

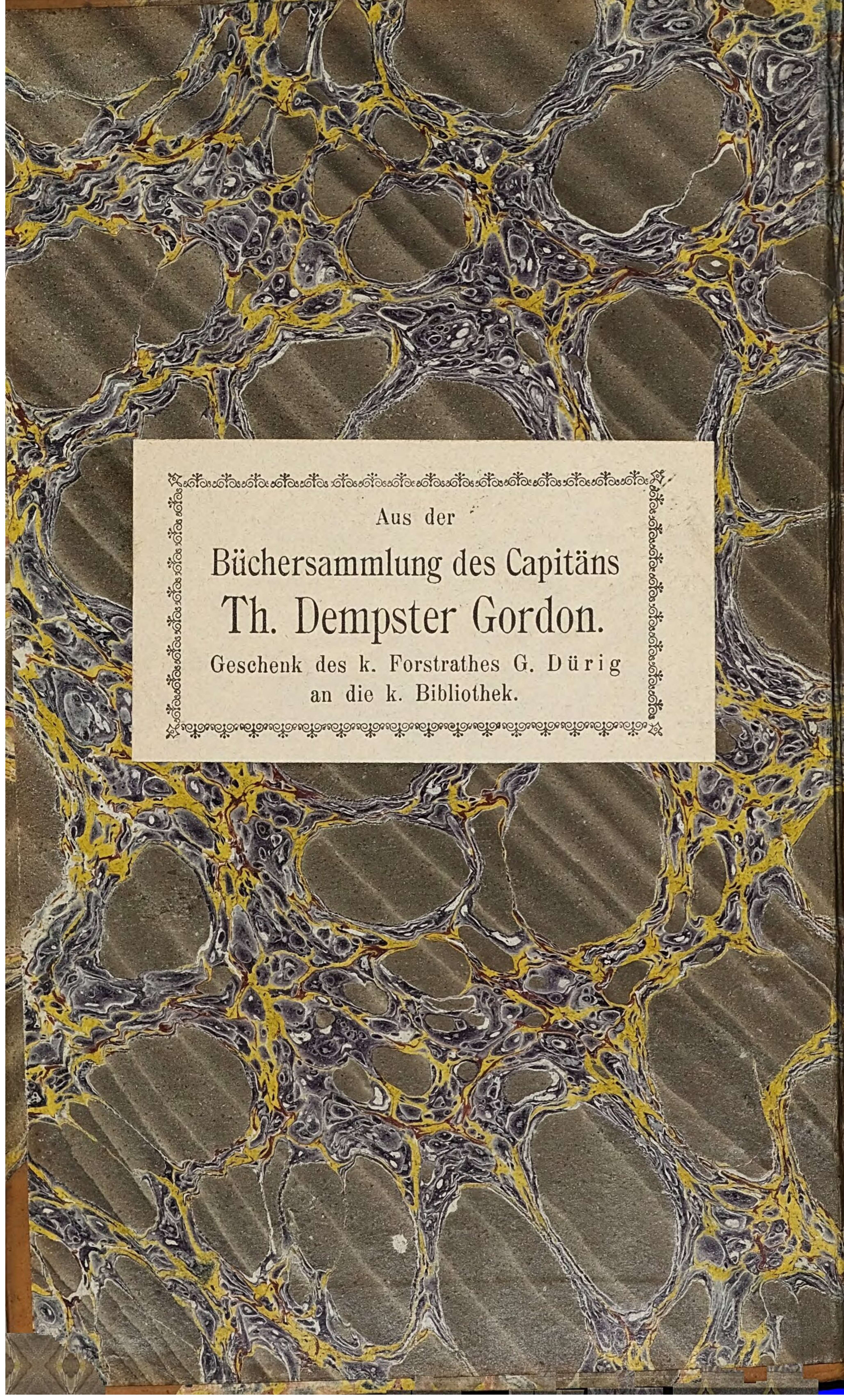
Gurney, Joseph / Gurney, Joseph, / Whitelocke, John,

The Proceedings Of A General Court Martial, Held At Chelsea Hospital, On
Thursday, January 28, 1808, And continued, by Adjournment, till Tuesday,
March 15, For The Trial Of Lieut. Gen. Whitelocke, Late Commander-in-Chief
of the Forces in South America
Bd.: 1

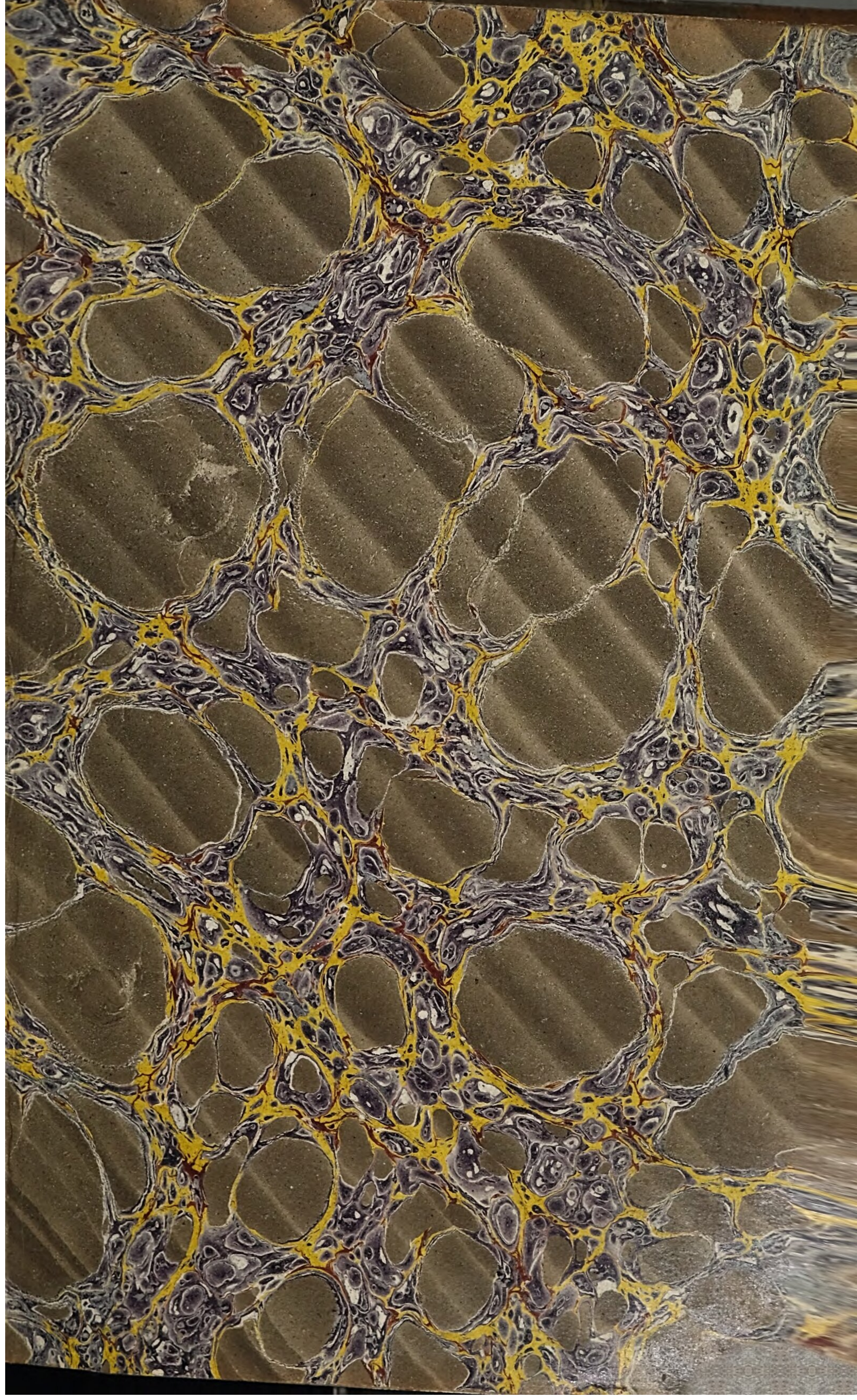
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The background of the entire image is a traditional marbled paper pattern, often called a 'stone' or 'shell' pattern. It features a complex, organic design with swirling veins of yellow, grey, and white against a dark, muted brown or olive green base. The pattern resembles natural stone or biological cells. In the center of the image is a rectangular, cream-colored paper label with a decorative border. The border consists of a repeating floral or foliate motif in a dark ink. The text on the label is printed in a classic, black, serif typeface. The text is centered and reads: 'Aus der' followed by 'Büchersammlung des Capitäns' and 'Th. Dempster Gordon.' in a larger font. Below this, in a smaller font, it says 'Geschenk des k. Forstrathes G. Dürig' and 'an die k. Bibliothek.'.

Aus der
Büchersammlung des Capitäns
Th. Dempster Gordon.
Geschenk des k. Forstrathes G. Dürig
an die k. Bibliothek.



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Notes
on the
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...
...



Slap
of the
ROUTE of the TROOPS
from their landing at
Barragan Fort.
to
BUENOS AYRES.



THE
PROCEEDINGS
OF A
GENERAL COURT MARTIAL,

HELD AT CHELSEA HOSPITAL,

ON THURSDAY, JANUARY 28, 1808,
And continued, by Adjournment, till TUESDAY, MARCH 15,

FOR THE TRIAL OF
LIEUT. GEN. WHITELOCKE,
Late Commander-in-Chief of the Forces in South America.

TAKEN IN SHORT-HAND BY MR. GURNEY.

WITH
THE DEFENCE,
COPIED FROM THE ORIGINAL, BY PERMISSION OF
GENERAL WHITELOCKE;
ALSO
ALL THE DOCUMENTS PRODUCED ON THE TRIAL.

VOL. I.

LONDON:
PRINTED FOR J. C. MOTTLEY, PORTSMOUTH;
PUBLISHED BY LONGMAN, HURST, REES, AND ORME, AND H. D.
SYMONDS, PATERNOSTER-ROW; EGERTON, WHITEHALL;
AND GODDARD, PALL MALL.

1808.

THE
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OF A
GENERAL COURT MARTIAL,

HELD AT CHESTER HOSPITAL,

On THURSDAY, JANUARY 28, 1808,
And continued, by Adjournment, till Tuesday, MARCH 15,

LIEUT. GENERAL WHITELOCKE,
Late Commander-in-Chief of the British Forces in South America,
FOR THE
KÖNIGL. BAYER. BIBLIOTHEK
MÜNCHEN

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1808.

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GENERAL COURT MARTIAL.

FIRST DAY,

THURSDAY, JANUARY 28, 1808.

The Warrant for holding the Court was read.—
See Appendix (A.)

Judge Advocate—General Whitelocke, have you any objection to any of the General Officers now appearing to serve on this Court?

General Whitelocke—None.

The Members of the Court were sworn.

MEMBERS OF THE COURT.

General the Rt. Hon. Sir W. MEDOWS, K.B. President.	
General NORTON,	General Viscount LAKE,
—— HULSE,	—— OGILVIE,
—— CUYLER,	Lieut.-Gen. Fox,
Lieut.-Gen. Sir J. DUFFE,	—— HARRIS,
—— VISC. CATHCART, K.T.	—— DUNDAS,
—— ROSS,	—— PIGOTT,
—— Sir G. NUGENT, Bt.	—— LOFTUS,
—— WILFORD,	—— GARTH,
—— LLOYD,	—— STAVELEY,
—— Sir J. MOORE, K.B.	

The Hon. RICHARD RYDER, Judge Advocate.

All persons who were summoned to give evidence, were desired by the President to withdraw.

Judge Advocate—I beg to submit to the Court, on the part of General Whitelocke, a request, that the Adjutant General and Quarter Master General, who belonged to the expedition, may be permitted to be in Court, General Whitelocke conceiving they may be of use to him in his defence. Unquestionably, it is not necessary to state to the Court, that the evidence of those witnesses must be very material for the prosecution, and that, in order to comply with General Whitelocke's request, it will be necessary to consider those gentlemen as excepted from the general rule which the Court always makes in these cases, of precluding witnesses on both sides from being present at the time of the examination of other witnesses. If the Court think fit to accede to that request, of course those gentlemen may be exempted from that rule—it is a point for the Court to decide upon.

The Court was cleared.

After some time, the Court was again opened, when General Whitelocke was informed by the President, that his request could not be complied with.

Judge Advocate—I do not know whether it is clearly understood, that the Court were of opinion General Whitelocke would be at liberty to speak to those gentlemen as often as he thought proper.—General Whitelocke, are you guilty, or not guilty?

General Whitelocke—NOT GUILTY.

Judge Advocate—Sir William Medows and General Officers of the Court-Martial—Though you are met together on the most important occasion in the military history of this country, that ever called for an enquiry like the present, I shall not detain you long in opening these charges—the subject is too painful for unnecessary details, and the events are too recent and too deeply impressed upon the memory and the feelings of every man to require that I should take up much of your time in this stage of the proceeding. It is needless to tell you, that the expedition under the command of General Whitelocke, which was considered, in the opinion at least of those who planned it, as more than sufficient in point of force to accomplish its object, (the reduction of the province of Buenos Ayres), has totally failed---that it failed with the lamentable loss of a large proportion of the gallant army engaged in it---that it failed not only in accomplishing its object, but that it ended in the absolute surrender of those valuable advantages which the valour of the British troops, under another commander, had previously acquired in the important post of Monte Video.

By this most unfortunate event all the hopes have been defeated which had been justly and generally entertained of discovering new markets for our manufactures, of giving a wider scope to the spirit and enterprize of our merchants, of opening new sources of treasure, and new fields for exertion, in supplying either the rude wants of countries emerging from barbarism, or the artificial and encreasing demands of luxury and refinement in those remote quarters of the globe.---Important as those objects must be at all times to this country, the state of Europe, and the attempts which have been daily making to exclude us from our accustomed intercourse with the Continent, have added to the importance of those objects, and to the disappointment of those hopes. The disappointment too has been cruelly embittered by the disgrace which such a failure under all the circumstances have attached to the

British arms.---A diminution of our military fame must be ever felt as a great national calamity, but at no period so severely as in this crisis of the world, when our military character is become more essential than ever, not merely for our honour or our glory, but for the independence, the liberties, the existence of Great Britain.

It is, however, a great consolation, that whatever may have been the stain which our military renown has received, the conduct of the troops has had no share in the proceeding.—I believe that the more this attack of the 5th of July is examined, the more clearly it will be found, that no troops ever displayed more courage—that no officers, with the exception of whatever may turn out to be connected with the subject of these charges, (and I hope the result of this enquiry may prove the exception to be undeserved, but with that exception), that no officers ever displayed more coolness, more zeal, more conduct, more devotion of themselves to the common cause in the course of a most triumphant engagement, than was displayed by the British officers through the whole of that destructive day. Under the pressure of this severe and public misfortune, aggravated as it has been by the accumulated weight of all the considerations to which I have alluded, the propriety and necessity of this enquiry would of itself be sufficiently obvious and indispensable—the country has a right to know, to what cause this unexpected and unexampled disaster is to be attributed.—But if it is due to the public to institute this enquiry, it is no less due to General Whitelocke himself.—The reports to his prejudice which have been in general circulation, which have survived the first impressions of public sorrow, produced by the first catastrophe in South America ; when it is, perhaps, the first and natural impulse of the human mind to find an object on which to attach blame ; but the reports which are still so prevalent, would have made it the duty of his Majesty's Ministers, in justice to General Whitelocke, to institute this enquiry ; I must beg however to be understood, that in

adverting to those reports, I advert to them, merely, to prove that this Court-Martial is not more essential for the public satisfaction, than it is necessary to General Whitelocke. So far from wishing to bring those reports forward in aid of this prosecution, that if I was not afraid of insulting your honourable feelings, by appearing to harbour a doubt where I can have none, I would most anxiously implore you, to dismiss from your minds every thing you have heard upon the subject of these unfortunate events, every suspicion, every prejudice you may have yourselves entertained, and to come to this enquiry, as you do come, free from all preconceived opinions, and prepared to decide upon the merits of this case, as they appear upon the face of the transactions themselves, coupled with the evidence which you will have an opportunity of examining. So far from wishing to press those reports into the service of this prosecution, that if I did not know it to be unnecessary, I would most earnestly enforce General Whitelocke's just claim to be protected by your consciences, and by your oaths against the effect of them.

But, Gentlemen, it is not upon reports that these charges are grounded. They stand upon better evidence.--- They are not taken from idle talk, or vague rumour, they are taken from the orders and the dispatches of General Whitelocke himself.---There is not a fact alleged against him which is not derived from his authority.---The character assigned to those facts does, indeed, involve imputations of a most grave and serious nature; but the facts themselves are taken from his own account of his own conduct.—So much so, that I might be well warranted in contenting myself on the part of the public, with laying the orders and the dispatches of General Whitelocke before you as documents of themselves, and without any other evidence, abundantly sufficient to call upon General Whitelocke for his defence. He is his own accuser. He has furnished the strongest testimony against himself.--- Whether that testimony will be contradicted, or confirmed

---whether the character given in these charges will be justified, or disproved by the evidence which I shall call, I have had no means of knowing—if a private prosecutor had come forward, as more usually happens, he would have been able, by previous communication, aided by his local knowledge, to have told you what the facts were which each witness had it in his power to prove, and how those facts applied to the charges—I have not that information; the ends of justice, however, will be equally obtained by this mode of proceeding,—but I am afraid they will be obtained at the expence of more of your time and trouble, than would otherwise have been necessary. Though, however, upon your account, I may regret the absence of those advantages, there is one point of view in which it is wholly immaterial, for if I knew that every one of the witnesses whom I have summoned to attend you, was possessed of facts tending to give a favourable impression of General Whitelocke's conduct, I should think it equally my duty standing in the situation in which I have the honour of addressing you, to tender every one of those witnesses for your examination, as if I knew that their evidence would corroborate every article of misconduct imputed to him.

The object, the only object of this prosecution is, as it ought to be, that the business should be sifted by you to the bottom, and that then justice may be done—It is with that view that I have summoned all the general officers connected with the expedition, all their staff, all the officers either originally commanding divisions, or who succeeded to that command; the Quarter-Master-General, the Adjutant-General, the Commissary-General, the Admiral, the Captains superintending the naval operations, the Lieutenants of the Gun-boats, in short, every officer who from his rank in that army, from his station, from the peculiar nature of his duties, or from any other circumstances appeared likely to throw any light upon this subject; and

if it should appear in the course of this enquiry, that there are still other officers not summoned whose evidence may be thought material, there is no Member of this Court who will feel more anxiety than myself, that your judgment should be suspended till that additional testimony can be obtained. It is with the same view and in the same spirit that I shall follow the example of my predecessors upon similar occasions, by abstaining in this stage of the proceeding from any detailed observations upon these charges---after the evidence has been closed, I may if it should be necessary, avail myself of another opportunity of addressing you, but in the mean time, the charges require no comment or explanation from me. They are sufficiently pointed and expressed. They speak for themselves. I have only to wish that it may be in the power of General Whitelocke to explain away, or to refute them.

President—The Court order, that there shall be no printing of their proceedings till the whole is closed.

The Military Commission to Lieutenant General Whitelocke, dated 24th February, 1807, was read.—See Appendix (B.)

Mr. Oldham—The Court desire, that any person who may be taking notes of the proceedings on this trial, will not make a publication, during the trial, otherwise it will be considered as a contempt of the Court.

The appointment of General Whitelocke as Civil Governor was read.—See Appendix (C.)

Judge Advocate—The next piece of evidence to be read is the Military Instructions to General Whitelocke received from the commander-in-chief.

The Military Instructions to Lieutenant General Whitelocke, dated Horse Guards, 7th February, 1807, signed by His Royal Highness the Commander-in-chief, were read.—See Appendix (D.)

The additional Instructions, dated Horse Guards, 24th February, 1807, were read.—See Appendix (E.)

Judge Advocate—The next evidence I shall offer is General Whitelocke's Instructions of the 5th of March, 1807, signed Howick, in the absence of Mr. Windham.

They were read.—See Appendix (F.)

Judge Advocate—I ought to state to the Court, with respect to the evidence I have already produced, and the written evidence which must of necessity be produced in future, they are all read from certified copies; and I have had an intimation from General Whitelocke, that he has no objection to those certified copies being considered as evidence. The next piece of evidence I have to produce is a public letter from General Whitelocke to Mr. Windham, which appeared in the Gazette, of which I have also a certified copy, which will be read.

It was read.—See Appendix (G.)

Judge Advocate—The next evidence is the private dispatch to Mr. Windham of the same date. I am informed by General Whitelocke, that I have incorrectly termed it a private dispatch: I own my reason for so terming it was, that the certificated copy I have received from the Secretary of State's Office, stated it so to me. I have no doubt but what General Whitelocke states is correct; that is, it was as much meant for the public as the other.

General Whitelocke—The Government was at liberty to publish either the one or the other; and that might have satisfied the public better, if it had been published, rather than the other.

Judge Advocate—I believe, in point of fact, when two dispatches of this nature come together, it is considered as a courtesy in the office to send what is considered as a private dispatch to the person who was at the head of the department at the time the expedition was planned; and I believe that which is stated to be a private dispatch was sent immediately to Mr. Windham upon its arrival; Mr. Windham no longer continuing in the office he held when General Whitelocke left England.

The Dispatch dated July 10th, was read.—

See Appendix (H.)

Judge Advocate—I have now arrived at the end of all the written evidence, which I think can with propriety be produced, without having recourse to oral testimony. It becomes very important for the Court to consider what mode of proceeding they will think fit to adopt. There are two courses of proceeding, which naturally present themselves; either to proceed in the examination of the evidence charge by charge, in which case the Court will perceive, that they will be under the necessity of calling back the same witnesses perhaps four different times, and may possibly find considerable difficulty in separating the evidence applicable to each charge; as the evidence of the officers who will be called in will naturally run from one charge into the other. There is another course of proceeding, which I think it right to submit to the Court for their consideration; I mean that of taking the examination of the evidence in the order in which the consideration of the time consumed in the expedition naturally presents it.

There are two points into which the conduct of this expedition may fairly be divided—the first of which would comprehend all which passed previous to the landing, and during the march, and up to the end of the 4th of July; the 5th of July being, as the Court perceive, the day of the attack—the other would include the attack itself, and all that happened consequent upon it. It certainly has struck me as fit to submit to the Court, in preference, the propriety of taking the inquiry in the last mode I have stated, and by that means obtaining a distinct view what the state of the army was at the end of the 4th July, when the orders were given for the attack, the effective force of the army in ammunition, provisions, artillery—the information then obtained of the strength of the enemy—his means and disposition to resist—and every other point which the Court may think it necessary to inquire into. When the Court are in possession of all these circumstances, they will be better able to form a judgment, both on the plan itself, and on the execution of it. I, of course, can have no other wish than that this question should be brought before the Court in the clearest and most distinct manner. I have no preference to the last plan suggested, but have thought it right to submit it to the Court, that they may decide. I rather believe that General Whitelocke has no objection to the plan of taking the case in the order of time. The Court will adopt the plan they think proper.

General Whitelocke—It would save time, perhaps, to take it all together.

Judge Advocate—The plan General Whitelocke has suggested, I own, would, in my opinion, be attended with considerable difficulty. I might state a variety of instances, but that the doing so would take up time, in which the calling the

witnesses to tell the whole story, would require the Court to go into the examination of several of the witnesses, before they could apply their minds to the consideration of the answers the first witnesses had given, or would be able to decide how far the first answers bear upon the case. It would, according to that mode of proceeding, become necessary to examine the same witnesses over and over again.

General Harris—If there is any doubt upon it, it will be better to clear the Court.

Judge Advocate—I did not read the treaty: that is most material evidence; it is short, and it will be better, perhaps, to read it now: we shall then have completed the written evidence. I certainly ought to state to the Court, that all the documents which are alluded to in Mr. Windham's instructions to General Whitelocke are before the Court; being voluminous, I did not read them, because I did not conceive there were any material points in them applying to the prosecution. They are in the possession of General Whitelocke, and if he is of opinion there are any points in them which can avail him, he may at this time or any other state them, that he may have the advantage of any assistance he expects to receive from them.

The Definitive Treaty between General Whitelocke and Admiral Murray, and General Liniers, was read.—See Appendix (I.)

The Court was cleared.

After some time it was again opened, and the President informed General Whitelocke, that the Court had determined to divide the case into two parts, the one comprehending the period to the close of the 4th of July, and the other period subsequent to that date.

Judge Advocate—I stated to the Court, a very short time ago, that I thought we had arrived at the end of the written evidence: I did conceive, in allusion and by analogy to the proceedings in Courts to which I am more accustomed, that if there were more written evidence which ought to form a part of the minutes of the Court, but which did not immediately bear on any of the charges, that evidence might be entered as read, and would then appear upon the minutes. I am, however, informed by those who are more conversant with the proceedings of Courts Martial than I am, that in order to allow the evidence to appear upon the minutes, that evidence must be read; and supposing myself to be correctly informed upon that point, I am afraid I shall be under the necessity of troubling the Court with hearing the different documents referred to by Mr. Windham, in his instructions to General Whitelocke, and which documents were inclosed, with those instructions, to General Whitelocke; one of them is the instructions to Brigadier General Craufurd, who left the country previous to General Whitelocke's appointment; they respect the conduct General Craufurd was to adopt with regard to the inhabitants of the country, in case of an accession of territory, and these are referred to in Mr. Windham's instructions to General Whitelocke, as those by which General Whitelocke's conduct was to be guided in a similar case. It did not appear to me, as that expedition unfortunately failed, and no accession of territory was gained, those instructions could form any part of the evidence: but I am afraid, as it is usual, they must be read.

The Instructions from Mr. Windham to Brigadier General Craufurd, dated Downing-street, October 30, 1806, were read.—See Appendix (K.)

Judge Advocate.—This is a letter of the same date to Brigadier General Craufurd.

Letter from Mr. Windham to Brigadier General Craufurd, dated Downing-street, October 30, 1806, was read.—See Appendix (L.)

Judge Advocate.—The next piece of evidence is the Orders of Council, which were transmitted to General Whitelocke, with Mr. Windham's instructions.

Orders of Council, dated the 1st of October, 1806, were read.—See Appendix (M.)

Orders of Council, dated the 17th day of September, 1806, were read.—See Appendix (N.)

Judge Advocate.—I wish to submit to the Court, with the consent of General Whitelocke, that it cannot be necessary to read another Order of Council, on a similar subject to the last, which I am persuaded the Court will feel can have no influence whatever upon the subjects of charge.

General Whitelocke signified his consent.

Judge Advocate.—I am desired by General Whitelocke, though it certainly is no part of my official situation to state General Whitelocke's wishes to the Court, I have no possible wish not to do that which he desires. General Whitelocke understood that, notwithstanding the decision of the Court, that the Adjutant General, and the Quarter Master General, should not be allowed to remain in Court during the examination of the witnesses, yet, that he might be at liberty to call his Adjutant General and Quarter Master General, as often as he might think convenient. He now wishes to call the Quarter Master General into Court.

General Whitelocke.---I mean only during the time the examination on the march is going on, in which he was very much concerned.

Judge Advocate ---The object of my calling General Gower, is with a view to examine him respecting all that passed previous to the landing. As far as any thing which passed previous to the landing will apply to any of these charges, and the operations during the march, General Whitelocke applies to have the Quarter Master General in Court, during the examination of General Gower, upon these points.

A Member.---That is a point I considered as decided.

General Whitelocke.---I did not so understand it. I should not have troubled the Court again if I had understood it was refused to that extent.

Major General GOWER sworn.

Examined by the Judge Advocate.

Q. Were you second in command in the expedition to Buenos Ayres?

A. I was. I was the only Major General on that expedition.

Q. Did you sail from England with Lieutenant General Whitelocke?

A. I did, in the *Thisbe* frigate.

Q. Can you state to the Court with what force you sailed from England?

A. I have no specific return of the force: it consisted generally of the 89th regiment; of a troop of horse artillery, and of some recruits for various corps; their exact number I do not know.

Q. Was that force, with which you sailed, destined for Monte Video?

A. I understood it so. I had no specific information.

Q. They had not arrived, I believe, when you sailed from Monte Video to Buenos Ayres?

A. They had not even been heard of.

Q. At the time when you sailed from Monte Video, were you in daily expectation of the arrival of those troops?

A. Certainly. The period that had elapsed had given me every reason to suppose they would either arrive shortly, or had missed their passage entirely.

Q. Will you be so good as to state what passed during the voyage from Monte Video to Buenos Ayres?

A. I do not recollect that any thing of a military nature particularly passed; having only on board forty artillery soldiers, there was no specific duty for the officers on their passage. What passed was the common sort of intercourse passing between one passenger and another.

Q. Did you go to Colonia, in the voyage between Monte Video and Buenos Ayres?

A. I did.

Q. For what purpose did you proceed to Colonia?

A. When the fleet had proceeded a certain distance Lieutenant General Whitelocke was pleased to order that I should go on board the Rolla gun-brig, which Rear Admiral Murray commanded, to Colonia, for the purpose of superintending the embarkation of the garrison, which had in that period been stationed under Lieutenant Colonel Pack.

Q. Did you bring away the whole of the garrison?

A. The whole.

Q. Of what force did that garrison consist?

A. It consisted of the light companies of that army, three companies of the 95th regiment, and the 40th regiment; their exact number I have no means of ascertaining. There were also some artillery; I have not the return of them by me.

Q. Were your orders to bring away all the horse artillery?

A. The orders I received were to a certain degree discretionary. They were to embark the force as speedily as I could, lest the fleet, then in an exposed situation in the river, should receive any damage, by delaying the junction of that detachment; and Lieutenant General Whitelocke left it discretionary with me to leave a small force on shore, if I found from the reports which I collected on my arrival there, that they would have been left in any tolerable degree of security. Finding from the reports which I collected, that any considerable diminution of the number of troops in Colonia would risk the loss of any detachment which might be left, I embarked the whole; there were not any transports reported to me, then, to be at Colonia, fit to receive horses.

Q. In point of fact, were there any; and if any, what number of horses left at Colonia by you?

A. I do not know exactly. Lieutenant Colonel Pack, who commanded there, will be able to give that information.

Q. On what day did you join the fleet, after you got away from Colonia?

A. On the 26th of June.

Q. On what day did you land.

A. On the 28th.

Q. Did the whole army land on that day?

A. I do not know. I received orders to advance with a division, to the heights above the morass,

and therefore I cannot say what was landed and what was not.

Q. What was the strength of the advanced guard you commanded?

A. There were nine companies of light troops; four of the 95th regiment, the 38th and 87th regiments.

Q. Will you state every thing that took place during the march, which fell under your immediate observation. Have you stated your force?

A. I have stated the force on the 1st day.

Q. What were the operations of the troops under your command on the 28th?

A. I received Lieutenant General Whitelocke's orders on the 28th, to advance to possess myself of the high ground immediately above Ensanada. I did so. Having arrived there soon after one o'clock; I immediately sent back an officer with a report of my arrival, and I received Lieutenant General Whitelocke's orders to wait there till he joined me on the subsequent day, with the other divisions of the army. Lieutenant General Whitelocke came up about mid-day, on the 29th; he took up the same ground I had occupied, and ordered me to advance to a position about two or three miles on towards Buenos Ayres. On the 30th I received his orders again to take up another position, some way in advance of the one I occupied on the 29th. On the 1st of July I received Lieutenant General Whitelocke's orders to take up a position beyond Reduction, leaving that village to be occupied by a division under his immediate orders. On the morning of the 2d of July, I received his orders to attempt the discovery of a pass, which was described over the Chieulo, above the town of Buenos Ayres. I am perhaps incorrect, in not stating the whole effect of my order; my

order pointed to the discovery of the pass, and if I found it I was to force it, and to make a lodgment in the suburbs of Buenos Ayres, or to get into the town itself; and, if I could, open a communication with the navy. In execution of this order, I marched about nine o'clock, and falling in with a considerable corps of cavalry, I forced a portion of them down upon the Chieulo. Having driven them across it, I ascertained the positive existence of that pass, and followed them immediately. While occupied in getting four pieces of cannon over that ford, which was very deep and muddy, Brigadier General Craufurd, who was in advance, reported to me that he saw a very large body of infantry, and a considerable quantity of artillery, apparently directing their march towards the same height, in the suburbs of Buenos Ayres, which I had previously pointed out to him as the one that seemed, in the first instance, to be most eligible to occupy. He requested permission to be allowed to advance with his brigade; and finding that it was so late, that the brigade under Brigadier General Lumley, which was by that time very much exhausted by the severity of the march, was not likely to be enabled to arrive at this point before dark, I ordered General Craufurd to advance.

Judge Advocate --- A little obscurity may appear in General Gower's evidence, from his not having stated the circumstance of a change of regiments which had taken place. What alteration was made in the force under your command, and at what period?

A. The first order I received from Lieutenant General Whitelocke, which was on the 28th, was to advance with the 40th and 87th, which was at Ensanada. On the landing at Ensanada, the 38th was substituted for the 40th. On the subsequent day, the 29th, the 36th, and 88th, were ordered with

Brigadier General Lumley, to be substituted for the 38th and 87th. Lieutenant General Whitelocke was also pleased to order, that half of the 95th regiment should remain. General Whitelocke's original order extended to the whole of General Craufurd's regiment; but his subsequent order extended to only the half of the 95th regiment; the 38th regiment was substituted in lieu of the 40th; and half of the 95th regiment was ordered to remain with the principal division of the army.

Q. Were the orders, which you have stated yourself to have received from Lieutenant General Whitelocke, in writing?

A. They were not in writing; they were all verbal, with the exception of that order by which I crossed the Chieulo; that was in writing. The order to advance was delivered on board the *Neriade*, by the General himself. All the orders I received during the time I had a separate command of the advance, were verbal, with the exception of the order by which I crossed the Chieulo on the 2d of July. He had only expressed that it was his intention I should command such an advance. It was after I landed, on the subsequent morning that he was pleased to point out where he should wish me to occupy the ground.

Q. Having stated that all the orders you received from General Whitelocke were verbal, except that which respected your attempting to discover the ford, and your subsequent operations; where is that order you state to have been in writing?

A. That order was in the possession of my aide-camp, who was taken prisoner on the 4th of July, and who destroyed it to prevent its falling into the hands of the enemy. I therefore have no copy

of it. What I state is from recollection. I received the order to march a few minutes before nine o'clock. I had made every previous arrangement to be able to move, and I moved within fifteen minutes of receiving the order to do so.

Adjourned to to-morrow morning ten o'clock.

SECOND DAY.

FRIDAY, JANUARY 29, 1808.

Major General GOWER called in again.

Judge Advocate.---As General Gower was interrupted in the account he was giving of the operations of the advanced guard, perhaps it will assist General Gower if I was to read over for his information, and that of the Court, the operations of the last day, in the course of which, he was stopped in his evidence. If the Court think fit, I will just read that over. It is suggested that it would be better to read the whole of General Gower's evidence; it will not take long.

General Gower's evidence was read, and the following corrections were made:

After the words, "the Rolla gun-brig with Admiral Murray."

A. There is a mistake in that answer; I am taken to have stated myself as having gone on board the Rolla gun-brig with Rear Admiral Murray; it should be, which Rear Admiral Murray appointed. I believe the question was, whether any thing occurred particular on the voyage between England and Monte Video, and not between Monte Video and Buenos Ayres.

Judge Advocate.---The question put was between England and Monte Video. Be so good as to state what passed during the voyage from Monte Video to Buenos Ayres?

A. On the morning of the 24th, I was directed by Lieutenant General Whitelocke to proceed to

Colonia; I did so, and superintended the embarkation of the garrison stationed there.

Judge Advocate.---The question merely related to the voyage: you are now going on to answer subsequent questions you did answer yesterday. I conclude nothing particular passed to make an impression upon your mind during the voyage.

Lord Cathcart.---The question now is, whether any thing passed between Monte Video and Buenos Ayres, and therefore the incidents at Colonia must be related. Perhaps it would be better to alter the question, and ask whether any thing passed between Monte Video and Colonia.

A. Nothing particular.

Judge Advocate.---I will now read the rest of General Gower's evidence.

The Judge Advocate proceeded in reading the evidence.

After the words "Lieutenant General Whitelocke was pleased to order that one half of the 95th should remain."

General Gower.---I beg to correct that answer as to the half of the 95th, and to say five companies were to remain behind, and three to go on; not precisely half.

Judge Advocate.---Q. At what time was that last substitution which you speak of; by what order, and on what day was that substitution made?

A. Substitution there was none, for there was none replaced that force; the subtraction of that force was made on the 28th; four companies on the 28th, and a fifth company on the morning of the 29th.

Q. General Whitelocke was pleased to order that five companies should remain as a part of his brigade?

A. Yes, as a part of his division.

The Judge Advocate read the remainder of General Gower's evidence.

Judge Advocate.—Before General Gower proceeds in his narrative, I would beg leave to put one or two questions upon that order which he mentioned. What is the name of your aid-de-camp, who was in possession of the written order mentioned by you?

A. Captain Maxwell, of the 63d regiment.

Q. Who brought that order to you from General Whitelocke?

A. Lieutenant Colonel Bourke, the Quarter Master General.

Q. Will you continue your narrative from the point at which you were interrupted? The last sentence was this: "General Craufurd requested to be allowed to advance with his corps, and finding that it was so late that the brigade under Brigadier General Lumley, which was by that time very much harrassed by the severity of the march, was not likely to be enabled to arrive at this point before dark, I ordered General Craufurd to advance."

A. I would request permission to add two paragraphs to that order, which escaped my memory yesterday; the one of which was, that the 87th regiment should be sent to join me on the march; and the other, that if I made my lodgment in the suburbs of the town, I was to summon it, and if they demanded from me what terms General Whitelocke was pleased to grant them, I was to send in the terms which accompanied that order.

Q. Is the Court to understand that the terms were specified in the order?

A. Certainly.

Q. The last sentence with which you concluded was, that General Craufurd then requested your permission to be allowed to advance with his brigade, and that finding it was solate, that the brigade under Brigadier General Lumley was not likely to be enabled to advance in time, you ordered him so to do. Will you now proceed in your narrative?

A. As soon as I saw General Lumley's brigade ready to move on, I gave it orders to do so, and went first myself to join Brigadier General Craufurd.

A Member.—We are still on the 2d of July?

A. Yes.

Judge Advocate.—It was the same day General Craufurd left his quarters in the neighbourhood of Reduction. Will you proceed?

A. Continuing my march with the twelve companies under my command, I arrived at the junction of two roads, which from thence led up to the corall of Miserado. Having halted the column previous to my occupying that spot, we discovered the enemy's infantry and cannon posted behind the thick enclosures which were on each side of them. Finding that the line I then occupied was a little diagonal to that which the enemy had taken up, I thought I should lose fewer men by making an immediate attack, than by waiting for the junction of Brigadier General Lumley's brigade, I directed Brigadier General Craufurd to charge their line with the bayonet, which succeeded so perfectly, that in a very few minutes the enemy's infantry were completely routed, and ten pieces of cannon were in our possession. By the time that the light infantry were re-formed, and a reserve placed over the artillery which had been captured, it was nearly dark. General Lumley's brigade had by that time arrived and taken up an excellent position on the right of Brigadier General Craufurd's division, and I de-

terminated to remain in that station till joined by the rest of the army. Soon after day-light of the succeeding day, which was the 3d, I sent a general summons to the Spanish general, and he returned for answer, that he wished to know what terms would be granted to him.

Q. By whom did you send your summons?

A. Captain Roach, Brigade Major to Brigadier General Lumley; I then sent him a copy of those terms.

Q. Will you cast your eye over that, and state whether that is a copy of the letter you now allude to?

A. I believe that copy to be perfectly correct.

Judge Advocate.---It is a certified copy from the office of the Secretary of State, of that returned by General Whitelocke. General Gower having referred to the summons he sent to General Liniers, and he having identified it, I will now read it.

A. You will have the goodness to recollect that the first summons was verbal, and that the answer of General Liniers was verbal, desiring I would send in such terms as I was authorised to grant. In consequence of that it was that I sent in the letter, a copy of which you hold in your hand.

The letter was read.—See Appendix (O).

Q. Were the terms stated in the letter which has just been read, the terms which were specified in the order you received from General Whitelocke the day before?

A. Certainly so, to the best of my recollection.

Q. Have you any doubt that the surrender of civil officers was included as one of the terms to be required of the Spanish commander in General Whitelocke's order?

A. I have no doubt on the subject. It certainly was specified as I have there stated it; and when I delivered a copy of the correspondence to Lieutenant General Whitelocke, he did not find any fault with any part of it.

Q. Does the paper now produced contain a copy of the answer you received?

A. It was delivered to me in Spanish; this is in English: the answer of the general to me was in Spanish. It is proved this is a copy; for here is a note, in which it is said, in the original it was different.

Q. Can you state whether this is a copy of the translation which you then made of that paper?

A. I did not make any translation, intending to retain it till the arrival of Lieutenant General Whitelocke.

General Whitelocke.---If General Gower says it has a resemblance, I have not the least objection to admit it.

Judge Advocate.---Perhaps the best way would be to read the paper I have in my hand, which is a certified copy of the answer returned by General Whitelocke to the Secretary of State's office in his dispatches, being a translation of the answer received by General Gower.

A. The only difficulty I have on the subject, is my apprehension that I do not sufficiently understand the Spanish language, to speak certainly whether that is a correct copy.

General Whitelocke.---I am ready to admit it subject to General Gower's recollection, of any difference he may perceive in it.

It was read.---See Appendix (P).

General Gower.---To the best of my recollection, I conceive that that is a correct translation.

Judge Advocate.---Will you now continue your narrative?

A. The enemy attacked my pickets soon after day-light on the 3d of July, and continued in action with them till the arrival of the principal division of the army under Lieutenant General Whitelocke.

Q. At what hour did that arrive?

A. About two o'clock; I am not very correct; I was so much occupied in consequence of that. Of course, on the arrival of Lieutenant General Whitelocke, my command entirely ceased.

Q. Will you proceed to state the operations of the army, from the time of the junction of the main body under General Whitelocke, till the night of the 4th, as particularly as your recollection will enable you to state them?

A. Not having been in command of that army, it is impossible for me to state that. I am unable to give an account of the general operations of it, or of more than such orders as I received from Lieutenant General Whitelocke, who was in command.

Q. State all that you saw and knew of the operations of the army during that period.

A. On the arrival of Lieutenant General Whitelocke's column, he directed that the whole should be formed on the continuation, or rather, on the prolongation of the line, previously occupied by the brigades of Brigadier General Lumley and Brigadier General Craufurd. As the pressure of the enemy was very considerable upon the pickets, shortly after that time he directed the line to be withdrawn for a short period behind the height on which the corall is placed, that the pickets should fall back rapidly on it, to endeavour to entice a body of men out into the open ground. It did not succeed, as they would not quit the

buildings, and we were obliged to re-occupy our original alinement and position for pickets, the Lieutenant General wishing to place the men under cover from the inclemency of the weather: the same firing continued on the pickets during the whole day of the 4th, not in equal strength, but there were some the whole day, from which we sustained considerable loss.

Q. What were the orders issued by General Whitelocke, subsequent to his arrival at the corral?

A. Those which I have already detailed, and also those which are described in the public dispatches of Lieutenant General Whitelocke previous to the attack of the 5th of July: there was also an order in which the Lieutenant General was pleased to approve of the conduct of my division in the action of the 2d.

Q. Do you know of any summons being sent by General Whitelocke into the town on the 4th of July?

A. Lieutenant General Whitelocke informed me on that morning that he meant to summon the town again, and that he should refer them to the same proposal of terms which I had sent in by his order.

Q. You knew no other orders but those you have stated?

A. I recollect no other.

Judge Advocate—In order that the Court may more clearly comprehend the method I adopted, I will now state, that General Gower having concluded his narrative, up to the period which appeared to be agreed as the proper period at which the examination should be stopped, I am now going to put some questions to General Gower, which arise out of the information he has already

given, commencing with the beginning of the narrative.

Q. Do you know what information General Whitelocke received previous to leaving Monte Video in June last, as to the season of the year being favourable, or otherwise, for the success of the expedition against Buenos Ayres?

A. No, I do not.

Q. Was General Whitelocke in the habit of consulting with the second in command, on the plan of operations of the army?

A. In very few instances; in some, it is possible he may have asked my opinion, but not in all.

Q. Had you any communication with General Whitelocke, as to the propriety of undertaking the expedition against Buenos Ayres, before you left Monte Video?

A. I remember that Lieutenant General Whitelocke——

Judge Advocate—I think in point of candour I am bound to state, General Whitelocke objects to the tendency of these questions; and therefore, till that objection is stated to the Court, it would be better General Gower should not answer them, in case the Court should be of opinion General Whitelocke's objection is well founded.

The objection taken by General Whitelocke to the evidence which General Gower was about to give, or rather to the questions put to General Gower, is this—"General Whitelocke understands that the object of this evidence is to shew, that the attack was undertaken at a wrong period of the year; with reference to seasons, General Whitelocke has no objection to the fullest investigation, nor to this evidence, if the Judge Advocate states that it is introductory to other explanatory of

any one of the charges; but as a distinct subject of charge against him, he objects to it, contending that the subjects of charge are specified—of those he has had notice—against those he comes to defend himself; and he submits that no general words, followed by specific charges, can authorise the going into any other heads than those specified; the investigation otherwise may be endless, and all the use of specifying charges done away.” I would inform the Court, that General Whitelocke very clearly comprehends the object of the questions which I was putting to the witness. I was putting those questions to the witness with a view, undoubtedly, to inquire whether the expedition against Buenos Ayres was undertaken at such a time of the year as would, in the consideration of the Court, hold out a fair prospect of success in that respect; and I conceived that that enquiry clearly came within the first paragraph, if I may so call it, of the first charge, which states, that Lieutenant General Whitelocke having received instructions from his Majesty’s Principal Secretary of State, to proceed for the reduction of the province of Buenos Ayres, pursued measures ill calculated to facilitate that conquest; if (and I do not at all know that that is the case), but if it should turn out that this expedition was undertaken at an unfavourable season of the year, undoubtedly that circumstance would tend to corroborate this charge against General Whitelocke. It is stated by General Whitelocke, that the inquiry into these charges would be endless. If it is to be understood, that any circumstances not distinctly specified should be enquired into, I should humbly submit to the Court, that, in these charges, though certain facts are alleged, yet they are stated with a view to inform General Whitelocke, that the whole of his conduct, as commander of that expedition, was to come before this Court for investigation; and if the Court are

of that opinion, and likewise, that if it should turn out upon the evidence, which again I say I do not know, nor have I any reason to conjecture, but which I think it right to examine into, that this expedition was undertaken at an unfavourable season of the year, it will then be for the Court to consider whether that fact proved does not come within this part of the charge; namely, that he pursued measures ill-calculated to facilitate that conquest. If the Court have any doubt upon it, I certainly do not wish to press the question.

General Whitelocke.—It is not a specific thing. I certainly never heard of it.

The Court was cleared.

After some time the Court was again opened.

Judge Advocate.—Will you put that question to General Gower which you put down last. Had you any communication with General Whitelocke, as to the propriety of undertaking the expedition against Buenos Ayres before you left Monte Video?

A. Lieutenant General Whitelocke informed me, some time after his arrival at Monte Video, that whenever Brigadier General Craufurd arrived in the River Plate, he would not lose one moment in attacking Buenos Ayres; and he stated at the same time, as one of the reasons that induced him to that prompt measure, that it would be impossible to feed so large a body of men on the left bank of the River Plate, during the winter.

A Member.—By the left bank do you mean the left bank in going up the river?

General Whitelocke.—The Monte Video side.

Judge Advocate.—By the left bank do you mean the Monte Video or Buenos Ayres side?

A. Describing the country as an officer, you al-

ways describe it by the current of water. In speaking of the direction of land, as relating to water, you always consider as if you are looking down stream, therefore this means the MonteVideo bank.

Q. Was that which you have stated the only communication you had with General Whitelocke, on the subject of the time at which the expedition was to be undertaken. If you had any other state it?

A. I do not recollect any other positive communication. There may have been general conversations on the subject, in which I may have taken a part; but I do not recollect that there even was one of that description.

Q. Were you in habits of confidential communication with General Whitelocke?

A. What degree of confidence Lieutenant General Whitelocke may have been pleased to place in me, it is impossible for me to state; he employed me in many of the details, previous to the embarkation of the troops, which were to go against Buenos Ayres; but all the great leading arrangements were made by himself.

Q. By the words confidential communication, was meant that degree of confidence which your station, as second in command in an expedition of so much importance, entitled you to expect. Does that explanation make any difference in your answer to the last question?

A. Conceiving that a second in command is as much under the orders of a commander-in-chief, as the youngest subaltern-officer in the army, I executed every order, which was intrusted to my charge, to the best of my abilities; and not conceiving that any power rested with me while an officer, possessing a commission as commander-in-chief, was present, I was fully satisfied to be em-

ployed on such services as he might chuse to select for me.

Q. Were you from time to time informed of the general plan of operations by General Whitelocke?

A. I have not heard that any plan ever was formed; I was not acquainted with any.

Q. Is the Court to understand, by your last answer, that General Whitelocke's plans of operations were not communicated to you before they were carried into execution?

A. My answer related to a general plan. I have already stated that I was not acquainted with the existence of any; whatever communications were made to me, were made in the shape of orders.

A Member.—I wish to ask to what time the question means to apply?

Judge Advocate.—Undoubtedly I meant previously to the leaving Monte Video. My questions, undoubtedly, allude to the time previous to leaving Monte Video. To what times General Gower is applying his answers it is not for me to state.

A. I have no difficulty in stating during the whole period of the service.

Judge Advocate.—I would wish to remind General Gower that he said yesterday that no transports were reported to him to be at Colonia fit to receive horses. The question I would wish to ask is, do you know whose duty it was to provide transports during the expedition?

A. Never having had the chief command of troops, I do not know what the orders of Government are upon that subject.

Q. Do not you know who did provide transports during that expedition. Whose duty was it, upon that expedition, to provide transports?

A. That question has, I apprehend, been answered. I do not know of any transports, with the exception of one small sloop, under American colours, that was not regularly hired by the Transport Board in London, and which had been employed in the conveyance of troops and stores from the various points from whence that army had been collected.

Q. Do you know why there were no transports at Colonia, at the time you embarked?

A. I do not. There were enough to contain the troops.

Q. As there were no transports at Colonia to convey the horses collected there, how were they to be transferred to the scene of action on the other side of the river?

A. I never knew that any had been collected for that purpose.

Q. With what proportion of artillery did you take your first position on the 28th?

A. Without any.

Q. When did you receive your proportion of artillery, and how was it conveyed?

A. Two six-pounders, and two three-pounders, were ordered to attach themselves to me on the 1st of July, in the morning; there were horses to them, but they were of so miserable a description, that I trusted much more to the personal exertions of the artillery soldiers, and a detachment of seamen that accompanied them, than to the horses, for their conveyance.

Q. Do you know what artillery General White-locke brought with the main body, when he joined you on the 29th?

A. When the troops came up to my position there was no artillery with them. I understood that it was in the morass below the heights; and I

heard two battalions ordered down to assist in extricating them. The amount of the artillery I do not know.

Q. Do you know whether any, and what measures were taken for collecting horses, after the landing, for the transport of the artillery?

A. I do not: but I am sure that no measures on that subject would have been of any avail, because all the horses of that country are so wild that they would have been of no use in harness.

Q. Do you know whether the horses, left at Colonia, had or had not been broken for the purpose of the artillery?

A. There were a few reported to me of that description; but they appeared to me to be very bad, and not calculated for much hard labour.

Q. Will you describe the nature of the ground between Ensanada and the heights, where you took up your position on the 28th?

A. It was a morass, covered with a surface of water, varying in depth from two feet upwards; how deep it may have been in places I cannot tell, not having time to sound it; but in attempting to discover a passage, better for the march of the troops than that which was pointed out as the usual road, I got into many situations from which I with difficulty extricated the horse on which I rode.

Q. As far as you are able to form a judgment, was the morass of a depth such as to make it practicable for the transport of artillery properly provided with horses?

A. I cannot state in what condition the road was on the 29th; the ground was so tender when I passed it, that the rear of my own small column had much more difficulty than the front, in going up the face of the heights. In two, if not three situations, there were places so deep that my own horse

fell three different times, not being able to extricate himself.

Q. Do you know whether General Whitelocke had obtained any, and what information, of the difficulties which you have described in the march of the troops from Ensanada previous to the landing?

A. I remember to have been present when Lieutenant General Whitelocke examined a man previous to the embarkation at Monte Video, relative to that road, and that he stated it as bad, and at all times attended with difficulty. He particularly questioned him as to the practicability of passing with a wheel carriage through the morass; the answer he gave was, Ensanada was the common place of embarkation for the people from Buenos Ayres, who were going out of the River Plate, and that it was never at any time impracticable to pass that way in a coach. That was his particular expression; I recollect it very well.

Q. Is that the only answer you have to make to the question?

A. I will add to that, if you please, that I do not know of any other information.

Q. Do you know why the landing was not at Point Quilmes, instead of Ensanada?

A. I do not. I was not employed on the service of reconnoitring the river.

Q. Do you know who was?

A. Lieutenant Colonel Bourke, the Quarter Master General, I believe; I am sure indeed that Colonel Bourke was.

Q. Then can you state the reasons which induced General Whitelocke to halt in preference at Ensanada?

A. It is impossible for me to state what motives may have induced Lieutenant General Whitelocke to prefer the latter.

Q. Do you know what proportion of commissariate stores, for victualling the army, were landed at the time of disembarkation?

A. Having been dispatched, even before all the troops were landed, I have no knowledge whatever upon that subject.

Q. Do you know whether it was practicable to communicate with the sea from Reduction?

A. The public dispatches state that there was a communication between the army and the navy from Quilmes. I have no knowledge of the fact myself, having been in advance.

Q. Then having stated that you received General Whitelocke's orders on the 2d of July, to attempt the discovery of a pass over the Chieulo, above the town of Buenos Ayres, and that if you found it you were to force it; when you began your march on the 2d of July, in consequence of the order you have stated yourself to have received from General Whitelocke, what was the amount of the force under your command, in men and in artillery?

A. I cannot exactly tell. I should think General Craufurd's division was something under nine hundred men; of the 36th and 88th regiments, so many men were incapable of advanceing, from the fatigue of the preceeding march, that the number of effective men left in those two regiments, by the time I crossed the Chieulo, was very much reduced. On the preceding evening, so many men were lame and tired by the time I got to Reduction, that I was obliged to leave 150 there. On the succeeding morning, when I gave the order to march, Brigadier General Lumley reported to me that there were a vast many more totally unable to proceed. I ordered all such men to be sent up to the principal division of the army, at Reduction, but I cannot correctly state the amount of their numbers. There remained so little day-light to

execute the order which I had received, that I did not like to submit to the delay which the collection of regular returns would have caused. The artillery were two six and two three-pounders. The badness of the horses, and the difficulty of the marches, was such that, with the greatest zeal and exertion on the part of Captain Fraser, it was impossible to get them up to the corall till long after the action had ceased that evening.

Q. Will you state, as nearly as you can, the number of the troops under your command, at the time alluded to in the last question?

A. I should think the amount of those two battalions were not more than one thousand men, fit to march. The men fell out so constantly that it is impossible to say precisely.

Q. Having stated that you had been informed by General Whitelocke, on the morning of the 2d, that the 87th regiment would be sent to join you on the march; did that regiment join you?

A. It did not come up till the main division of the army came up on the 3d. It never joined me separately.

Q. Having been directed to undertake such important operations with the force you have described, what reports were you directed to make to General Whitelocke during the separation of the advanced corps under your command from the main body?

A. I do not remember that there was any specific order on that subject. When I marched, Lieutenant Colonel Bourke informed me that it was Lieutenant General Whitelocke's intentions to support me with the whole army. I waited till ten o'clock on the succeeding day.

Q. You received this information from Colonel Bourke on the 1st?

A. No. On the 2d, when Colonel Bourke brought me my orders, he gave me that informa-

tion. I moved immediately on the receipt of his orders on the 2d.

Q. I believe there is a little inaccuracy in dates. You stated that you received your information from Colonel Bourke on the day previous to your marching?

A. I beg your pardon ; the whole of the questions which have been put to me, respected the order I received by Colonel Bourke, previous to my crossing the Chieulo ; that order was delivered to me immediately before my march on the 2d.

Judge Advocate.—It was my misunderstanding of the time of that order. Will you proceed ?

A. I waited till ten o'clock on the succeeding day, when hearing nothing of the main division, I sent an officer, with the 87th light company, to endeavour to find them out. The officer succeeded in doing so, and returned with the main division.

Q. Do you know to what distance General Whitelocke's march on the 2d, removed the main body of the army from the line of operations of the advanced guard?

A. Not knowing where the main division was posted on the night of the 2d, I cannot at all tell.

Q. Did you receive any directions from General Whitelocke, to keep up a communication with the main body of the army, during their separation, through the medium of patrols, or in any other manner?

A. None whatever. I considered the order to make my lodgment good in the suburbs of Buenos Ayres peremptory ; and I should have attempted it under any circumstances whatever, without at all looking to the main division of the army.

Q. Having stated that the corps under your command, after having driven a considerable body of cavalry across Chieulo, crossed that river, and came in presence of a formidable body of infantry

and artillery on the evening of the 2d, could you have derived any support from the main body under General Whitelocke, had circumstances of action brought your corps into imminent danger at that period?

A. Certainly not; there was no assistance which I could derive from a corps on the right bank of the Chieulo, that could have availed me at all on that night.

Q. Will you state what appearance of hostility on the part of the enemy you observed, or were informed of, between the period of the landing and your taking post at the Corall?

A. Between the 28th and the morning of the 2d, I saw nothing but the peasants of the country, at least people apparently the peasants of the country, who were all mounted, and who constantly kept up a desultory fire upon the column, except when I approached the village of Reduction, where I saw so considerable a number of these men in a body, that I formed General Craufurds's division in a line. A rapid advance drove them, and I took up my position for the night, without any other difficulty than what arose from their attempting to cut off sentries and straggling men. While ascending up the right bank of the Chieulo on the morning of the 2d, I fell in with a considerable quantity of cavalry, perhaps six hundred, many of whom were clothed uniformly, and had the appearance of regular soldiers: the rest were of the same description as those I had seen on the preceding day. I observed the left bank of the Chieulo apparently lined with corps of infantry; they marched by their right opposite to me for some time, apparently with the design of defending the high ground above the Chico pass, over the Chieulo. I out-marched them so considerably, that they were foiled in their attempt; and immediately after I passed, I observed them

make that movement which I have before described.

Q. Was the Chico pass the pass by which the advanced guard under your command passed the river Chieulo?

A. I believe so.

Q. What was the breadth and depth of the river at that pass, as far as you are acquainted with it?

A. The breadth about thirty yards; the depth so considerable, that we were obliged to unload the artillery, and carry the ammunition over on men's heads, and to oblige the infantry to carry their cartridge boxes on their shoulders, to prevent their being wetted.

Q. Did you receive any, and what intelligence, of the plans or movements of the enemy, between the period of landing and the taking post at the Corall.

A. None whatever, with the exception of one. Every house was deserted, and every man was actively employed in arms against us.

Q. At about what hour on the 2d did the advanced guard under your command arrive at the Chico pass?

A. About one o'clock I believe; I am not very sure that I am accurate.

Q. If you had received orders from General Whitelocke to inform him of the discovery of the ford, and had, in consequence, given him that information, how many hours march would it have taken for the main body to have reached the ford?

A. I conceive, from the position at Reduction, the distance to that ford is very little greater, if taken in a direct line, than it was from the one from which I advanced: it occupied me about four hours to arrive at the ford. When I arrived there, I saw Lieutenant General Whitelocke's division at a very considerable distance on the

heights, apparently in motion. I cannot attempt to guess what that distance was, but it was so great that we could not possibly ascertain with the best spying glasses, whether it did move, or which way.

Q. Supposing General Whitelocke, in consequence of your having given him such information, had marched the main body to the ford, would there have been any separation of the columns for a longer period than the few hours which you have stated to have been necessary to make the reconnoissance ?

A. I had stated that I was four hours on the march. I do not understand the question.

Sir John Moore.—If the Judge Advocate wishes to know what time General Gower could have received the support of General Whitelocke's column, perhaps it would be better to ask, what was the nature of the country ?

Judge Advocate.—My object is to ascertain what would have been the effect if General Whitelocke had given General Gower directions to inform him of the pass being discovered. My last question is, whether, if he had informed General Whitelocke of the ford being practicable, there need have been any separation of the columns beyond what must necessarily have taken place during the period General Gower was marching to ascertain the ford ?

A. Certainly ; if it had been ordered to halt at the ford when I had discovered it, the distance of time must have been decreased in proportion to the advance of the main division towards the ford ; but I had no other means of communicating than by sending a considerable corps of infantry to escort the officer who carried that information ; and therefore it would have occupied almost as much time for the transmission of that report as for the march of the column.

Adjourned to Monday morning, ten o'clock.

THIRD DAY.

MONDAY, FEBRUARY 1, 1808.

Judge Advocate—I ought to inform the Court, before they proceed to business, that an application has been made to the President by one of the Honourable Members of this Court, in consequence of the dangerous illness of his father (the physician having reported that that illness is past recovery), to be excused further attendance on this Court. It is for the Court to decide whether that application ought not to be complied with. The number of the Court is so considerable, that I apprehend the absence of one member, however to be regretted, would not be of so much consequence as if the number of Members were more limited. If there is any doubt upon the subject, of course the Court must be cleared.

General Sir James Duffe was excused further attendance.

Major General GOWER called in again.

Examined by the Judge Advocate.

Q. In order that you may be aware of the object of the question I am about to put, I will preface it with what it alludes to. In your former evidence, having stated that one of the paragraphs in General Whitelocke's order, delivered to you by Lieutenant Colonel Bourke, on the 2d of July, was, that the 87th regiment should be sent to join you on the march, and having afterwards stated that that regiment did not join

you, the question is—When were you informed, or were you ever informed, that the 87th regiment would not be sent to join you?

A. I never received any information on that subject subsequent to the delivery of the order by Lieutenant Colonel Bourke.

Q. Having stated that when you marched upon the 2d, Lieutenant Colonel Bourke informed you, that it was Lieutenant General Whitelocke's intention to support you with the whole army, when and where were you first informed that General Whitelocke was not following your line of march, and that you could not receive the support you had been promised?

A. I did not receive any information that Lieutenant General Whitelocke was not following my line of march; but when I crossed the Chieulo with my division, I could with a spying-glass distinguish the principal division of the army on the heights, at a very considerable distance, and so great, that I was convinced there did not remain sufficient day-light to enable them to join my division.

Q. Had you any knowledge whether there was or was not a reserve formed from the rest of the army, independent of the divisions under you and Lieutenant General Whitelocke?

A. I had no knowledge on the subject whatever.

Q. What was the general face of the country which you marched through? Was it open, or inclosed, mountainous, or plain?

A. From the position which I had taken up on the night of the 1st, to the Chieulo, it was perfectly open, without even a hedge of any species. The ground rose with a very gentle elevation from the banks of the Chieulo towards the height, which was a continuation of the one on which

the village of Reduction was placed. Those heights appeared to extend in a direction nearly parallel to the course of the Chieulo. During that period of the march we had to cross a very considerable number of boggy places, which rendered the passage of carriages difficult. Having crossed the Chieulo, the first two miles, or thereabouts, of the march were through low meadows, the surface of which was wet, but firm. We then ascended some heights; and from thence to the Corall, the country was particularly strongly inclosed with stiff banks and very strong live hedges upon most of them.

Q. What was the distance from the Chico pass to the suburbs opposite to the Miserere?

A. I do not know by admeasurement. It occupied me nearly three hours to march it, to the best of my recollection: I did not minute it at the moment.

Q. Can you tell about how many miles, without admeasurement?

A. I should think between six and seven.

Q. Can you tell about what distance it is from the bridge over the Chieulo to the Chico pass?

A. I cannot.

Q. Can you tell how many days' provision your division had when you marched from Ensanada?

A. Three day's beef and bread, one day's spirits, in possession of the men, when I landed, not when I marched; one day was consumed.

Q. Did you receive any supplies of provisions from the main body of the army, or from the fleet, during your march to Buenos Ayres from Ensanada?

A. None; except a very small quantity of

spirits, not amounting to the third of an allowance for one day, which a subaltern officer of the 36th regiment brought up for the use of his own corps: the others received nothing.

Q. Did you obtain any supplies of provisions from the country during your march?

A. On the 28th none; or the 29th and 30th two pioneers, who were in the service of Brigadier General Lumley, caught some few bullocks. On the 1st of July my men had nothing until I came to my position at night: having captured some sheep after that, which were delivered to the troops. In driving the enemy through the village of Reduction, I got a very small quantity of bread, but so small as to be hardly worth dividing among the men. On the 2d, I had no provisions; the result of my success on that night was the capture of some bullocks in the Corral, and of about as much bread as was reported to me to be sufficient to serve both divisions of troops for about two days, which came into my possession so late, that none of it could be served out till the morning of the third.

Lord Cathcart—Q. Will you have the goodness to explain, by two days' bread for both divisions; do you mean both divisions under your command, or the two divisions of the army?

A. The two divisions of the army.

Judge Advocate—Q. Had you any, and what information, of the main body of the Spanish army on the 2d?

A. I have already stated, that I saw large corps of infantry on the opposite bank of the Chiuelo; whether they composed the main body of the army, or not, I do not know: I had no other information on the subject.

Q. When Lieutenant General Whitelocke came up with the main body on the 3d, did you re-

ceive any information from him respecting a reserve?

A. He ordered me to form his army in line; and then I discovered that the 40th regiment and the 17th light dragoons dismounted, were absent, with Colonel Mahon's brigade.

Q. Were you informed by Lieutenant General Whitelocke where those regiments were posted?

A. He subsequently at his own quarters informed me that he had left them at the village of Reduction, but for what purpose I never clearly understood.

Q. What did Colonel Mahon's brigade, at that time, consist of, exclusively of the 17th light dragoons and the 40th regiment?

A. The 45th regiment; I really am not certain whether the four dismounted troops of the carabineers belonged to it or not. I believe it would be right I should add to that, that such was the arrangement the last time I had communication with the principal division, and that it was possible it might be altered after I was detached.

Q. Was any communication opened with that reserve under Colonel Mahon, or with the navy, between the junction of the advanced guard with the main body on the 3d, and the period of the attack?

A. None, that I ever heard.

Q. What information respecting the enemy's force and operations did you obtain from the prisoners made on the 2d?

A. I obtained myself very little; I was present at very few of the examinations. The outline of the information which I got was, that, till mid-day of the 2d, the whole of the enemy's attention and force was directed towards the line of Buenos Ayres, or rather the line of the Plata of Buenos Ayres, and to the bank of the

Chinelo. That about that time it was reported that they had intended to remove their guns, and draw in the principal part of their force towards the centre of the town, and to defend their streets by moveable columns.

Q. By whom were the prisoners examined?

A. They were examined at Lieutenant General Whitelocke's quarters; I believe generally by himself.

Q. Was there no examination of the prisoners previous to General Whitelocke's arrival on the 3d?

A. No regular one by myself. I spoke to several of them, but their information seemed to me so little satisfactory, from their own statement, that the enemy were in the act of adopting new measures when they marched, that I did not give myself much trouble about them.

Q. State whether any, and what measures were taken in the interval between the junction of the main body on the 3d, and the attack on the 5th, to insure the success of the operations against the town?

A. The question is so general, it is utterly impossible I can answer it. It is impossible for me to know what all the officers of that army did. The whole army was to bear a share in it; it is perfectly impossible for me to say what share each took.

Judge Advocate—I will read over to General Gower a question put on this subject on Friday, and the answer he gave—"Q. State all that you saw and knew of the operations of the army during that period? A. On the arrival of Lieutenant General Whitelocke's column, he directed the whole should be formed on a continuation, or rather on a prolongation of the line previously occupied by the brigades of Brigadier General Lumley

and Brigadier General Craufurd, as the pressure of the enemy was very considerable upon the picquets. Shortly after that time he directed the line to be withdrawn, for a short period, behind the height on which the Corral is placed, that the picquets should fall back rapidly on it, to endeavour to entice a considerable body of men into the open ground; it did not succeed, as they would not quit the buildings, and we were obliged to re-occupy our original alinement and position for picquets, the Lieutenant General wishing to place the men under cover from the inclemency of the weather. The same firing continued on the picquets during the whole day of the 4th, not in equal strength, but there was some the whole day, from which we sustained considerable loss.—

Q. What were the orders issued by General Whitelocke subsequent to his arrival at the Corral? A. Those which I have already detailed, and those which are described in the public dispatches of Lieutenant General Whitelocke, previously to the attack of the 5th of July: there was also an order in which the Lieutenant General was pleased to approve of the conduct of my division in the action of the 2d.”——The object of my present question was to ascertain whether there were any other operations of which you were aware—What measures were taken by Lieutenant General Whitelocke within your knowledge?

A. Lieutenant General Whitelocke ordered that all officers commanding brigades and regiments should attend at his quarters on the morning of the 4th, when all the orders were delivered to them which were to be put in execution on the next morning, and they were directed to gain every information they could of the particular portion of the town which would fall to their share, in the first instance, during the attack. All the tools which could be collected, and which were applicable to the forcing the doors and win-

dows of houses, were directed to be searched for. The detail of that attack is published in Lieutenant General Whitelocke's dispatches, and I cannot sufficiently recollect the minute parts of it to venture to detail it from memory.

Q. Had the plan of attack been communicated by Lieutenant General Whitelocke to any one, to your knowledge, previously to the meeting you have mentioned on the morning of the 4th?

A. Certainly: it was to myself, and, I have reason to believe, to several others.

Q. On what day was it communicated in the manner spoken of previously to the meeting of the 4th?

A. On the evening of the 3d to me—generally, on the 4th.

Q. Would not the command of the army have devolved upon you, if any thing had happened to General Whitelocke?

A. Certainly; as the senior staff-officer present, according to the custom of the service, but not in consequence of any dormant commission, or of any provision for that purpose.

Q. Had you had such confidential communication with General Whitelocke of the intentions of Government in sending out that expedition, and of General Whitelocke's plans of operations, as to have enabled you, in that event, to have carried them into execution?

A. Lieutenant General Whitelocke was pleased to shew me the instructions under which he acted, at an early period of the voyage in the *Thisbe*. They were voluminous; and I have a very indistinct recollection of the matters contained in them now. I have already stated, that I never heard of any thing like a plan of operations in the river Plate.

Q. Were you ever in orders as second in command, or had you a letter of service appointing you to act as such?

A. I had no other letter of service than that of major general upon the staff. On the arrival of Lieutenant General Whitelocke at Monte Video, in notifying to the troops his appointment as commander-in-chief, he described me as a major general, second in command. In the latter part of the service I commanded a brigade.

Judge Advocate—I will now read a certified copy of the plan of attack, returned by General Whitelocke to the Secretary of State for the War department.

It was read.---See Appendix (Q).

A Member—I wish to know whether it is now the time for the Court to put questions?

Judge Advocate—I apprehend, the mode is for the prosecutor to put the questions which occur to him; then for General Whitelocke to put his questions; then for the prosecutor to put any questions which arise out of the cross-examination; and then for the Court to ask any questions which they may wish.

Q. Can you state to the Court why the attack was not made on the 4th?

A. Not correctly.

A. Did you receive any, and what information from Lieutenant General Whitelocke on that point?

A. On the 4th, when the orders were given out, it appeared to be the general wish of the officers who were to command divisions, to have the remainder of that day to reconnoitre their points; and then it was, I believe, that the Lieutenant General determinately fixed the subsequent morning for the attack. I have already stated,

that the Lieutenant General informed me that he intended to summon the town a second time, and that he would do so before he commenced the attack, and which summons was sent in on the morning of the 4th.

Q. Having stated that Lieutenant General Whitelocke joined the advanced guard about two o'clock on the 3d, with the main body, can you tell why the town was not summoned that same evening?

A. I cannot.

Q. Were you at any time informed by Lieutenant General Whitelocke why the attack was not made upon the 4th?

A. I have stated all I know upon that subject already.

The Court was cleared.

After some time the Court was again opened.

Judge Advocate—General Whitelocke wishes to put some questions to General Gower, in consequence of the evidence he has given. The first question is,—Did the information you received, or the knowledge you had of the disposition of the inhabitants, induce you think it unsafe to leave any small detachment at Colonia?

A. Colonia was nearly deserted; its inhabitants, therefore, were not of moment. The information I had went to considerable bodies of armed men, which had appeared in the neighbourhood.

Q. What was the disposition of the inhabitants of the country towards us; and was any readiness shewn to afford us either assistance or information, even in the most private way?

A. More implacably hostile than I had conceived possible, till I saw it. Except one smug-

gler, who was, I believe, by birth a Portuguese, I do not believe there was one man really attached to the British cause in Spanish America, so far as my observation went.

Q. Were not the Civil Authorities considered, according to the best information, as the persons who had promoted the insurrection against General Beresford, and to be completely hostile to us?

A. I considered it so certainly. I understood that the Court of Audiencia had usurped nearly the whole power and authority in that country.

Q. Did you not consider the Court of Audiencia as part of the Civil Authorities alluded to in the summons?

A. I did.

Judge Advocate—I will read to the Court the paper just put into my hands by General Whitelocke. ---“As it will be absolutely necessary for me to produce orders, and other papers, in relation to this part of the charge in my defence, I shall have to avail myself of General Gower’s evidence at that period, after those documents are read; and therefore shall not trouble the Court or General Gower with any other questions now.”---I have no questions to put to General Gower in re-examination; therefore it is now for the Court to put any questions they please to General Gower.

Examined by the Court.

Q. Did Lieutenant General Whitelocke inform you how your corps was to be supplied with provisions, after those with which the men landed should be expended?

A. No: I had no orders on the subject.

Sir John Moore---Q. It would save time, if I put the question in such a way as that General Gower may give a detail. After your arrival at

Monte Video, in what manner was the interval employed, and what measures were adopted to enable the army to proceed to the attack of Buenos Ayres---I mean, what information was obtained with respect to the country you had to pass over; what measures were adopted to procure horses for the cavalry; for the artillery; and for the transport of provisions? By putting the question generally, without limiting General Gower, I wish him to answer not only the points which I have asked, but any others which occur to him.

A. Lieutenant General Whitelocke arrived in the Plata on the 9th of May; on the 11th he took the command of the troops. The force was then divided into two divisions: the one, stationed at Colonia under Lieutenant Colonel Pack, of the 71st regiment, consisted of a small detachment of artillery, a subaltern officer's detachment of artillery, a few dragoons who were mounted, three companies of the 95th regiment, the light companies of the 38th, 40th, 47th, and 87th regiments, and four or five companies of the 40th; a wing of the 40th; I am not sure whether it was four or five companies. The other division of the army occupied Monte Video, with its suburbs, and some detached posts. On the 20th of May, Lieutenant General Whitelocke ordered me to communicate to Rear Admiral Stirling, then the senior officer of the navy in the Plata, that he wished an arrangement of transports to be made for the reception of ten thousand men in their passage towards Buenos Ayres, for tonnage for 18 pieces of light artillery with their proportion of ammunition, for two batteries of heavy artillery, and I believe for provisions for 21 days for the 10,000 men. I am not quite sure, but I believe it was for that number of days; the number of men I am certain of. The estimates from the officers at the heads of each branch of service were col-

lected, both for dead weight and stowage, and delivered to Rear Admiral Stirling. All the horses that could be obtained on the left bank of the Plata, between Colonia and Monte Video, were procured. The enemy's parties had driven that country with such success, that very few of a tolerable description remained, and even those which were procured, never having been accustomed to eat either dry forage or corn, were extremely ill calculated for embarkation. Eight transports were cleared for the reception of such horses as could be procured, and Lieutenant General Whitelocke called upon all the British subjects present, whether officers or civilians, to give up all the horses that could possibly be spared for the public service. What numbers were procured in that manner I do not know, as the return did not pass through my hands; nor do I know to which of the services, whether the commissariate, the artillery, or the cavalry, or in what proportion to the commissariate, artillery, or cavalry, those horses were distributed. On the 24th of May, there was a report of a very considerable corps of the enemy, estimated at four thousand, having crossed from Buenos Ayres; and it was stated, that the merchants had lost all power of transmitting their merchandise into the country, in consequence of its being constantly plundered by those people. On the 12th of June, Lieutenant Colonel Backhouse, who commanded the outpost at Canalones, retreated on Monte Video, from the number of the enemy who appeared in that vicinity. During the whole of this period, the garrison of Monte Video was employed in embarking the various stores, and in furnishing the large working parties, which were commanded for repairing and adding to the defences of the place. I was present at Lieutenant General Whitelocke's quarters at various periods during that time, when he examined three or four men, who professed

that they knew the country between Ensanada and Buenos Ayres, the vicinity of Quilmes, and all the various points on which it was possible to land. On the arrival of the Fly sloop of war, Lieutenant Colonel Bourke was sent up the river to reconnoitre the bank. He returned on the 28th of May, and reported from his observations, that the Ensanada de Barragon appeared to him to be the most advantageous place for landing: that the enemy did not, at that time, appear to be at all jealous of it.

Q. Were any measures taken to supply the army with provisions on their march, beyond the supply of the three days' provisions delivered to the men?

A. None, that I know of.

Q. Was a communication made to you in orders, or in any other manner, of the movements of the rest of the army, when you were ordered to advance on the 29th and 30th of June?

A. On the 29th, I was ordered not to move until the main division of the army came up to my point; on the 30th, the same thing. Lieutenant General Whitelocke then asked me, if I could reach Reduction that night. I told him it was impossible for me to tell; but I would try. He then acquainted me, he should remain with the main division at the point from whence I was then going to march. When I had marched about four miles, I found the battalions of Brigadier General Lumley's brigade so totally exhausted, that if I had advanced further, I should have left the greater proportion of the men behind, I reported that circumstance to Lieutenant General Whitelocke. He approved of what I did, in staying there, and ordered me to remain till he joined me the next morning. Lieutenant General Whitelocke joined me between nine and ten o'clock on the morning of the 1st with his

division, and the two divisions marched together for a short distance. It was evident that the column would have been very late in passing Reduction, if situated where it was described to us, for it was not exactly known where it was; we had no guide who spoke accurately as to the distance. The men, particularly of Brigadier General Lumley's brigade, were very much exhausted; and Lieutenant General Whitelocke, to give them a chance of getting on with tolerable rapidity, ordered all the blankets of the army to be thrown down; and that with the men thus lightened, I should attempt to get towards the Chieuolo, beyond Reduction, leaving the village to be occupied by his division, if he could get up to it.

President—As two of the Members are obliged to attend the House of Lords at three o'clock, it being now half past two, the Court is adjourned to ten o'clock to-morrow morning.

FOURTH DAY.

TUESDAY, FEBRUARY 2, 1808.

Major General GOWER called in again.

Examined by the Court.

Sir John Moore---Q. Was the country from Ensanada to Buenos Ayres so little frequented, that a perfect knowledge of it might not have been obtained at Monte Video, as well as men found, who might have been forced to guide the army?

A. I should conceive that the road from Ensanada to Buenos Ayres, in consequence of the former being the place at which all the large ships that are employed in the commerce of the latter are laid up, is well known. I was not at all employed relative to the obtaining intelligence on that point. For my own private information I tried to collect what I could; but I could not find any body at Monte Video who spoke very accurately on the subject.

Judge Advocate---I am directed by the Court to read to the witness the latter part of his answer to the question put by the Court; thinking that the question may have been misunderstood, and that the answer is not a full answer to the question; it being, whether guides might not have been found, who might have been forced to guide the army. You say, "I for my own private information tried to collect what I could; but I could not find any body at Monte Video who spoke correctly upon the subject."

You have not answered that part which relates to guides being found at Monte Video.

A. I know but one man of that description.

Sir John Moore.—I do not think General Gower understands the question. If the country between Ensanada and Buenos Ayres was frequented by all the people, there must have been plenty of men who, though not willing, might have been forced to guide: if, for example, you wanted to be guided from hence to Windsor, we know there are thousands in London who know the road: perhaps not one of them will guide you; but if you put a rope round their necks, and tell them you will hang them if they do not: that is the meaning of the question; whether it was so well known, that there were many who were sufficiently acquainted with it to shew you, if they were obliged to do so.

A. I do not think the Court understand that when Monte Video was stormed, a great many of the people left it.

Sir John Moore.—You will answer the question in the best way you are able.

A. I only know one man of that description, who ever professed that he knew the road; and that man was carried up with the army; all the others, whom I pressed on the subject, stated that they had usually gone in small vessels by water to Buenos Ayres, and had never landed at Ensanada. The common mode of communication between Monte Video and Buenos Ayres is by small vessels, which go up to the wharf at Buenos Ayres; that Ensanada is a mere shipping place; and that people would not land in common at Ensanada to go to Buenos Ayres.

General Norton.—Before Monte Video fell into the possession of the enemy, was there much intercourse between Monte Video and Buenos Ayres?

A. I conceive there was considerable intercourse,

as Buenos Ayres was the seat of government, and Monte Video a dependant upon it: of course there must have been an intercourse between a dependant Government and a superior one. The usual mode of communication, when the country was at rest, if they did not like to go by water so far as from Monte Video to Buenos Ayres, was by land from Monte Video to Colonia, which was opposite to Buenos Ayres, and from thence by water; but I do not think that people go willingly to Ensanada, and from thence by land to Buenos Ayres.

Sir John Moore.---The march of the army on the 29th and 30th of June, and the 1st of July, seems to have been in two divisions in one route; did you conceive it to be the same on the 2d of July?

A. I did; with the exception of a small variation, which must have happened from the main division commencing its march, as well as my own, by the left flank, from a point about three miles in the rear of the one from whence I moved.

Q. The army, the three first days, marched by the right; the next day, by the left?

A. I did march from my left that day; from my right on the others.

Q. I believe you said that on the 29th, 30th, and 1st, the army marched in two divisions in one route, whether the order of the march was the same on the 2d, that it had been so, that if you had wanted support, you knew where to find it. Did you know that General Whitelocke, with the rest of the army, was moving at a certain distance in your rear, so that you could communicate with him, or fall back on him? Whether you marched from your left to your right does not signify.

A. I had a specific duty to perform, which

was to make my lodgment good. Though I was told I should be supported, I did not conceive that there was any discretionary power left with me at all.

Q. Did you expect from the communication made to you, that the army was following you on the 2d of July, in the same way as it had been the three previous days?

A. I expected that the army was to follow me, certainly.

Judge Advocate.—Perhaps it would relieve from some difficulty if I was to read a question I put to General Gower yesterday, with the answer he gave, which to my mind puts this out of all doubt.

The Judge Advocate read an extract from the evidence, *beginning*, “ **Q.** Lieutenant Colonel Bourke having informed you,” *ending*, “ sufficient day-light to enable them to “ join my division.”

Sir John Moore.—Then the question does not appear necessary, because it has been already answered.

Judge Advocate.—If the Court are of opinion that question has been already answered, perhaps it may be struck out of the minutes.

Sir John Moore.—It appears to have been answered before; therefore it may be struck out.

Q. Your corps composing the advanced guard, had you any detachment of the 17th light dragoons with you, four troops of that regiment being mounted; and if you had not, will you say where that corps and those four troops were stationed, or to what column attached?

A. I saw on the 29th thirty only horses in possession of the 17th light dragoons, that could

be called tolerably fit for duty ; what had become of the rest I know not : of those, I had twelve, if I remember correctly ; but in two days time there were not two of those horses worth consideration ; and the only mounted I had were three orderlies, on my own horses : the troop horses were equally bad. The horses of that country never eat dry corn or forage.

Q. Was the country such as to have admitted of the march of the army in several parallel columns, and thus to have shortened the line of march ?

A. From Ensanada to the heights I never could find more than one road, though I tried it in every direction through the morasses. From Ensanada to the Chieulo, every part of the country appeared equally good for the passage of the troops. From the heights above the morass to the Chieulo, the whole country appeared equally fit for the passage of the army. In all directions there were no impediments in one place more than in another, that I saw. From the Chieulo towards Buenos Ayres, the two first miles appeared equally practicable in all directions, and there were then two roads to the suburbs.

Q. Can you state the reason why the passage of the river was not attempted at the bridge ?

A. I do not know correctly : the bridge was described to be of wood, and in the direction in which it was supposed to be, there was a very large fire, which the officer who had been in Buenos Ayres before, and the guide that was with me, believed to be the bridge on fire.

Q. Do you know whether the bridge was, or not, ever reconnoitered ?

A. Not by my company. I do not know, because I did not arrive till nearly dark the night

before, and received my orders to march at nine o'clock the next morning. Its distance from my position I believe to have been about six miles. I do not know whether it had or not been reconnoitred.

Q. Was it not possible to ascertain the circumstance, whether or not the bridge was on fire?

A. Certainly; by marching a considerable corps towards it it might have been ascertained; but the enemy had such large bodies of cavalry between us and it, that nothing but a considerable corps could have approached it.

Q. Had the march been in several columns, might not the whole have arrived on the banks of the Chico pass on the 2d of July, and passed it with the advanced corps?

A. I know no reason why they should not. The regiment least capable of marching in that army was the 88th, which was with me. It was composed of a vast number of very young men, who had been a great while confined in transports; they had been nearly a year on board transports: the 36th being a stouter body of men did not feel so much, but were much fatigued. The old regiments, that is, those corps which had been for months inured to hard labour in that country, were evidently much more equal to march, than men so lately landed.

Q. Do you think any material advantage might have been derived from the whole army passing the river, and attacking the enemy on the 2d?

Judge Advocate.—General Whitelocke objects to that question, on the ground that it is a question of opinion. General Whitelocke states that he does not wish to press the objection. Undoubtedly if I was aware that there was any legal objection to that question, I should have thought it right to interfere. I am not aware that the

asking the opinion of a General Officer in the command of a body of troops, with respect to what might have been the consequence in his judgment, from his military experience, aided by his local knowledge, of such and such measures being pursued by the troops under his command, is an illegal question; I therefore did not think it fit to interfere. Perhaps I ought to add, it is for the Court to judge of the grounds which that General Officer gives for his judgment, as bearing upon his evidence.

General Garth.—Are there not instances of General Officers being asked their opinion in Lord George Sackville's time? I think there are such.

Judge Advocate.---The paper put into my hands by General Whitelocke is this, on the footing upon which it is put, General Whitelocke does not press the objection, as it is not a question of general opinion, but only as to the effect of a particular act.

The question was put to General Gower.

A. I believe they would have carried Buenos Ayres; had there been a force to support the impression made by the charge of the light battalion, I am convinced we should have carried the place.

Q. Did you report to the Commander of the forces, the want of provisions on the 1st of July; or in what manner did you propose to provision your corps?

A. On the 1st of July Lieutenant General Whitelocke saw my corps himself, and he remarked upon the very exhausted state of the 88th regiment; he told me that he expected I should catch a sufficient quantity of bullocks, not only to supply myself, but his column also.

Q. Could not provisions for the army have

been conveyed in boats, and a communication opened with them?

A. The only point, I believe, between the Ensanada and the Chieulo, where provisions could be landed, was under the village of Reduction; by the description which I have had of the river, I believe the victuallers themselves might have come close in there. What difficulties the passage of the morass from the shore to the village would have presented, I do not know.

Q. In the orders delivered to the general officers on the 4th of July, for the attack of the town of Buenos Ayres, what station was allotted to you?

A. I was ordered by Lieutenant General Whitelocke to be at the Corall before the hour at which the cannonade was to commence: but I was to wait there till he arrived, and that I then should receive his orders.

Q. Were the orders or instructions given to the general officers on the morning of the 4th, verbal or written?

A. The order to me was verbal; that which the Court heard yesterday was the detail read at that time, and which each general officer and each field officer copied.

Q. Was a communication then, or at any other time, made to the generals and officers commanding the different attacks of the station of the Commander of the forces, in case they should have occasion to report to him?

A. I do not remember that it was, but it may have been without my knowledge.

Q. Was it at the time of the delivery of the orders?

A. Not to the best of my recollection.

General Loftus.—There is one short question which I would put to General Gower. A ques-

tion was asked yesteday, why the attack was not made on the 4th, and he stated, that the officers expressed a wish to have the remainder of the day to reconnoitre their points. I wish to ask General Gower, whether he himself expressed that wish?

Judge Advocate.---Perhaps it will be better to turn back to the evidence; I rather think the honorable member has not stated it exactly.

The Judge Advocate read an extract from the evidence, beginning, "Can you state to the Court, why the attack was not made upon the 4th?" ending, "I have stated all I know on that subject already."

General Loftus.---Did you express a wish on the morning of the 4th, that the attack might be postponed till the next day, that you might have an opportunity of reconnoitring.

A. No; I did not. I believe that the enemy outnumbered us, in the ratio of at least five to one in men, and ten to one in artillery.

A Member.—The question does not appear to go to the latter part of that.

General Loftus.—No: the first part is a complete answer to my question. Did you receive any, and what orders to collect horses for the Cavalry and Artillery at Colonia?

A. Certainly not; the order that I received was verbal. I do not remember it literally; but the impression it made upon my mind, and which I now have, is, that the grand object of my being sent to Colonia was to expedite the junction of that division of troops in the shortest possible time, lest the bad weather should set in, and the transports be damaged in their then exposed situation in the River. Lieutenant Colonel Bourke, the Quarter Master General of the army, was sent with me; he may remember it more correctly.

The President---Q. You were second in command; were you consulted upon the mode of attack made upon Buenos Ayres?

General Gower---May I ask, does the question relate to the mere attack upon the town, or to the general line of service?

The President---To the attack upon the town.

A. I was. On the evening of the 3d Lieutenant General Whitelocke sent an order that I should come to his quarters; he there asked me if I had any idea how the town should be attacked. I stated, that having moved for that purpose the preceding day, I certainly had thought upon that subject. He asked me if I had put my ideas upon paper. I answered that I had, and he desired to see it. I stated to him that I had it not then with me, but it was at my quarters at some distance; and he directed me to fetch it, which I did, and delivered it to him.

General Norton---Q. Was there any considerable variation between your plan and that adopted by General Whitelocke?

A. Yes; mine, having been made upon the march, before I knew that the 40th and 17th light dragoons would not be there, included them also.

Q. Was there any other difference in the plans?

A. My first idea was an attack from the corps in column, from a central point, and therefore it would have been a deployment previous to the attack. The subsequent attack was made from the army when stationed in one line; consequently, there was not that deployment to take place previously. I do not know that that can be stated as a very considerable difference; but it was a difference from the plan originally stated by me.

The basis of the plan adopted by General Whitelocke was very much like mine.

General Dundas.---I wish to ask, whether according to the plan proposed on the 4th of July, and framed by General Whitelocke, General Whitelocke and General Gower were themselves to take any share in the conduct of the attack on the following day, and what share?

Judge Advocate.—I apprehend, as to the share which either of those general officers took in the conduct of the attack, any questions of that kind would naturally fall into the second period into which the Court have thought fit to divide the enquiry. With regard to any previous arrangement as to the conduct they were to take, I apprehend that would clearly come within the first period.

General Dundas.---I wish to know what was the place, or whether there was any particular place for General Gower to be referred to: he says there was no certain place appointed for General Whitelocke to be referred to. I wish now to know whether there was any certain place appointed for General Gower himself to be at.

Q. What was the distance between the village of Reduction and the position of your corps, on the night of the 1st of July?

A. I should think between three and four miles.

Q. Was the nature of the country such, that the route taken by your corps could have been seen from the village of Reduction, on the morning of the 2d?

A. I should think so. I saw the principal column during the greater part of the day, and apparently, as it quitted the village of Reduction: I therefore think they could have seen us.

Q. Was there a free communication between

the main body of the army and the corps under your command, on the evening of the 1st?

A. There was no communication on that night: during the whole period of that march it was impossible to communicate with tolerable safety, with a force under the strength of a company.

Q. Had you any guide with you on the morning of the 2d, to shew you the way to the Chico pass?

A. I had a man with me who professed that he knew the road. Brigadier General Craufurd also captured an Indian in the course of the previous night: they both seemed certain of its existence, but not of its exact position.

Sir John Moore.---Did you ever hear on which side of the river General Liniers had taken up his position, in order to defend the passage of the bridge?

A. His batteries were certainly all on the western side. I have heard it reported that he advanced over the bridge with some infantry; but I do not myself believe that any considerable number ever passed in our presence.

Judge Advocate.---Having stated that Buenos Ayres would, in your opinion, have been carried, if General Whitelocke had followed your line of march, and passed the Chico ford on the 2d, when your division passed it; state the grounds of that opinion.

A. It is grounded on the information which I then procured from the prisoners, as I before stated, that the whole of the enemy's attention and means of defence had, at as late a period as twelve o'clock on that day, been directed towards the line of the Chieulo and of the Plata; consequently, the entrance of a body of troops into the town, on the western side, was by them totally unexpected and unprovided for.

Q. Was the plan of attack ordered on the 4th, objected to by any of the principal officers of the army?

A. Certainly not. I believe every one was confident of its success.

General Piggott---Q. When General Whitelocke joined you on the 3d, did he assign any cause to you why he had not given you that support you had been induced to expect, by the message delivered to you by Lieutenant Colonel Bourke?

A. I understood from him that the cause of his not sooner arriving at the Corral, was that his guide lost his way.

Sir John Moore.—Were the officers encouraged by any thing which dropped from the commander of the forces, to state their objections to the plan of attack, if they had any?

A. Certainly; and I did not hear the slightest objection.

Q. Did they express their approbation of it?

A. I was so peculiarly situated with the commander of the forces, that I had very little personal communication with any of them: with the few I had, they did.

Q. I mean upon the spot, when the orders were delivered?

A. They appeared to me to approve.

Lord Lake---Q. Will you state what that peculiar situation was with the commander of the forces?

A. I have no objection to answer that question. Lieutenant General Whitelocke was particularly jealous of the interference of any of his inferior officers; and I had it marked to me on that day particularly, by the commanding officer of artillery, and the commanding officer of engineers, being forbidden to speak to me, because it

was alledged that they had shewn more attention to me than to him. I therefore was precluded from any communication with them, or from venturing to act in any way without specific orders.

Sir John Moore.---I do not think that General Gower has distinctly understood the question. I understood, at first, that the officers were encouraged to speak their minds: it now appears that General Gower himself was under some restraint: if all the general officers had the same feeling as General Gower had, they certainly would not have given their opinion pro or con, but received their instructions, and gone out and obeyed them.

General Harris.---They appear to have done so.

Sir John Moore.---Q. If he had disapproved of it, he would not have felt at liberty to state it. Now if the other general officers felt in the same way. Every member of this Court has been in the same situation. We wish to understand, whether the orders were given dryly to walk off and obey them, or whether the officers felt at liberty to state their objections?

A. I remember one particular question which was put. I think Brigadier General Lumley asked, whether in going down the streets each column was to be obliged to persevere, whether it met with a greater degree of opposition, and a greater degree of loss than they expected; and that General Whitelocke said, certainly not. It is an object to make the lodgment, but if your loss be very great you must only take care, if you belong to the right wing, that you go to the right; and if you belong to the left, that you go to the left, that you may not come across the central fire: and it was then that that paragraph was added to the order read yesterday. The hour of attack was discussed at the same time, whether it should be at fifteen minutes after six, or thirty minutes after six.

Judge Advocate.---Since the answer has been given to the last question which has been read, (*the question proposed by Lord Lake*) there has been a good deal of conversation between members of the Court and General Gower; what that conversation was, I do not know myself, but I would suggest to the Court, that unless that conversation is taken down in the shape of question and answer, it will not appear on the minutes. Whether any member of the Court thinks it should appear on the minutes I cannot judge, not having heard what it was.

The President.---Every question should be addressed through the Judge Advocate, otherwise it is not heard, and is informal.

General Harris.---In that general conversation it appears that some officers did speak their minds, which I did not understand before. It appears that General Lumley put a question. I would submit that it should be asked, what did any of the officers say that day, on receiving their orders from General Whitelocke?

Judge Advocate.---General Whitelocke states that he conceives it important for his defence, that that question and answer should be stated: of course, after that the Court will have no doubt of the propriety of inserting it.

Lord Cathcart.---The question was asked, were the officers encouraged by the commander of the forces, to state their objections to the plan of attack if they had any; to which General Gower has answered, certainly, and I did not hear any objection. It will be very easy to desire General Gower to state more fully what passed upon those orders being delivered to the several general officers, which may produce the answer referred to. State whether you recollect any conversation to

have taken place, on the part of the General Officers, on that occasion.

Judge Advocate.—I did not think it necessary to interfere with the questions asked, because I conceive that, in point of law, the approbation or disapprobation of the General Officers, called together to consider of a plan, was perfectly legal evidence; but I certainly do not think that the particular observations, made by any particular officer, called to that consultation, are legal evidence, when those observations are spoken to by another party who is present. The way to make them legal evidence would be to call the individual officer who made those observations. The evidence of General Gower, with respect to the observations made by another officer, is only hearsay evidence, and therefore, undoubtedly, clearly not admissible in any court of justice, and perfectly distinct from the fact of the approbation or disapprobation of those officers, which undoubtedly is evidence. Under these circumstances it will be for the Court to consider whether they will examine General Gower, with respect to particular expressions particular officers used, or whether they will defer that examination till they have in evidence, as they certainly will have, all the General Officers who were present upon that occasion. It is suggested to me, as is certainly true, that if it appears in the course of the evidence, that those observations were made in the presence, they certainly were, but within the hearing of General Gower, it comes within another rule of the law that it is a part of the *Rei gestæ*, and is in that way evidence; whether it is so or not, in the present case, may be enquired. Do the Court wish me to ask whether the observations General Gower was going to state of General Lumley, were in the presence and hearing of General Whitelocke.

Q. Will you state whether you recollect any

conversation to have taken place, on the part of the General Officers, on the occasion of the delivery of the orders, in the presence and hearing of General Whitelocke?

A. There was nothing relative to those orders which passed but in the presence and hearing of General Whitelocke; he superintended the delivery of the orders himself. There was a very general discussion relative to the hour, as the description of the light, at the moment of the attack, was considered of consequence. There was a question put, to the best of my recollection, by Brigadier General Lumley, whether the respective columns were to persevere in arriving at, and maintaining their relative points to which they were directed, under any unforeseen circumstances of loss or difficulty; and it was answered by Lieutenant General Whitelocke himself, that they were not; that if it was necessary, they should divide or give way from the point; they were to take care not to cross the fire of the artillery, which would be in the centre. I think there was some more general conversation, but I am not quite correct in my recollection, from whom or relative to what.

Lord Lake.—Were any orders given in case of a retreat?

A. No general ones that I know of; there was an understanding, or at least I understood myself, that the Residencia, which was considered a defensible point, was the point on which the corps of the right wing were to retreat in case of accident, and the Plaza de Tauros for the left.

Judge Advocate.—Explain what you mean by saying there was an understanding that the places which you mention should be the places on which the different divisions of the army should retreat according to their situation?

A. I considered that it was supposed to be desirable that the army, for which there remained no

more provision, should, at all events, if possible, get into such situations that they might have a chance of communicating with the navy; points, such as the Residencia and the Plaza de Tauros afforded that chance; the direct retreat of the columns out of the town again, to the westward, deprived them of it; and that I believe to be the reason why it was thought more desirable, if possible, for each wing to give way to its outer flank, if it was necessary to give way at all, than to come directly out of the town again to the Corral.

Sir John Moore.—The Court wish to know what were the orders given, not what was General Gower's conception.

Lord Lake.—It does not strike me that that at all goes to the point.

Judge Advocate.—Then, did your understanding arise from your own conviction that the Plaza and Residencia were the most proper points to retreat to, if retreat was necessary, or from any thing stated by General Whitelocke, either at the meeting of the officers, or afterwards?

A. If it is not irregular I wish to refer to the orders which were given out. I rather think they will explain it. I will answer the question if it is proposed.

The question was read over to General Gower.

A. From both I understood myself, that they were points so good that if once obtained our troops could not be driven from them, and the event proved the fact. I am not sure whether it was in the order, or whether it was verbal, but that the fact was so I am certain.

Lord Lake.—Did you understand them to be the places appointed to retreat upon, or not?

A. I considered them the points of support to each of the wings; a question before put to me

would explain that, when it was asked where, if they were obliged to retreat, they should retreat to, and I answered to their outer flanks, each of their outer flanks were the Residencia and the Plaza de Tauros. I was ordered to send an officer, who was then acting as an aid-du-camp with me, Major Tolley, of the 71st, who had been in the town before, and had been captured, and he was ordered to go from me to attach himself to the 45th regiment, merely to point out the Residencia for occupation.

Sir John Moore.—Those stated as points of retreat were points of attack, and the most forward and important in the attack. I think it must be very easy for General Gower to state whether, when the orders were delivered out, there were any points of retreat pointed out, yes, or no. Those points of retreat must first be carried.

General Harris.---Would it not be better to put that question, whether there were any orders for retreat or not.

General Gower.---May I beg to remark, I believe I misunderstood the question in a certain degree, inasmuch as I thought I had specifically answered that before, for I believe one part of my previous answer goes to say there was no general order; and then I went on to explain that which I thought a condition; that which I added was nothing more than what I considered as a conditional order; in short, that is all I remember to have passed on the subject.

Judge Advocate.---Were there any places particularly pointed out, to which the army was to retreat, in case of failure in the attack, in the general order, or otherwise?

A. None that I know of.

Judge Advocate.---I will submit it to the Court,

whether, as General Gower had mistaken the previous question, it would not be delicate to him to have the last questions and answers read over to him, in order that he may correct any thing which does not apply.

Mr. Oldham read, *beginning* “were any orders given in case of a retreat”—*ending*, “if it was carried.”

General Gower—Perhaps it may explain the thing more, if I say, in case of accident if it was carried.

Mr. Oldham read to the end of the evidence, and no further alterations were made.

Judge Advocate.—At present, there seems to be a doubt, whether there is not an inaccuracy in two answers given by General Gower in the last part of his examination. It is understood by the Court, that General Gower has stated, that the two points, the Plaza de Tauros and the Residencia, were stated by General Whitelocke, at the meeting of the officers, and at some other time, as the proper places of retreat. It appears to be so taken down in the minutes; I do not know whether General Gower so intended. If so, it appears, upon the first appearance at least, a little inconsistent with the last answer General Gower has given to the question, whether the Plaza de Tauros and Residencia were ever stated as the general points of retreat, in general orders or otherwise, to which General Gower has answered, No. Now, if those places were mentioned by General Whitelocke, at the meeting of officers or at any other period, as proper points of retreat, it might at first appear inconsistent with his other answer.

A. I will explain what I meant to say. There was an objection I first heard made, because those

points were not positively in the possession of the troops when the orders were given out; consequently, till they were in possession of the troops, they could not be stated as points of retreat; if they were carried they were to be considered as such. I understood from that very answer to General Lumley's question, that they were to retreat to their outer flanks, that is, if they were carried, those being the outer points occupied by those troops—that it should be said peremptorily, they should retreat on them, before they knew whether they would gain them or not, was not possible, but that they were to retreat to them in case they were gained.

Judge Advocate—That explanation taken down in the minutes would make it clearer.

General Gower---I am not quite sure whether you heard the correction made in my answer, when read over the second time, it was explicitly stated they were the points, but I added in the reading over, “if they were carried.”

Mr. Oldham read over the answer referred to by General Gower.

Judge Advocate---What force was appointed to be left on the western side of the town, when the general attack was to be made on the 5th?

A. Four troops of carabineers dismounted, eight troops of the 9th light dragoons, one or two companies of the 88th regiment, I do not know which, and a very small picquet from each corps that attacked, to take care of their respective packs.

The witness withdrew.

Lieutenant Colonel RICHARD BOURKE
sworn.

Examined by the Judge Advocate.

Q. Were you chief officer in the Quarter Master General's department, employed in the expedition against Buenos Ayres, under Lieutenant General Whitelocke?

A. Yes, I was.

Q. Relate the previous measures adopted by General Whitelocke, the information received by him, and the proceedings of the expedition under General Whitelocke's command, from the time of his arrival at Monte Video to the night of the 4th of July, as far as they come within your knowledge, and without binding you to the order of time, or any particular method. I will put into your hands this paper, that you may the better judge of the points to which I wish you to speak. If the Court will permit me, I will read the paper I am about to put into Lieutenant Colonel Bourke's hand.

The Paper was read.

A. I should think, the best way of answering this very general question, will be to relate things in the order of time. The evening General Whitelocke landed, I was introduced to him by Sir Samuel Achmuty, who then commanded at Monte Video. On the succeeding day I attended at the Government-house with the other officers, and had some conversation with General Whitelocke, who told me, that he was pretty well informed of the actual state of things from Sir Samuel Achmuty; and that the first object to which he had to direct my attention was the providing sufficient quarters for the force to come out, and some means

of mounting the cavalry, which he said he found, contrary to his expectation, were not at all provided with horses. He then introduced me to Major General Gower, who was in the room, and said, this is Major General Gower, the second in command, with whom you will discuss the points on which I have spoken to you. I had at that time, and frequently afterwards, a good deal of conversation with General Gower upon these subjects, and it was found in a few days that it would be exceedingly difficult to quarter all the troops expected from England, and by General Craufurd; but that there would be no great difficulty in providing stables for the cavalry. Whilst these affairs were transacting, Captain Thompson, of the Fly sloop, arrived from the Cape of Good Hope with dispatches from Brigadier General Craufurd, stating that the Brigadier General was to leave the Cape of Good Hope upon a certain day in the month of April, I forget exactly the day, and was shortly to be expected in the river Plata. I believe, after the arrival of Captain Thompson, the commander of the forces sent for me, and said, that as General Craufurd was to be expected so soon, he was anxious that I should go up the river, and examine that bank upon which Buenos Ayres was situated, and look out for a convenient place for landing the force which he intended to take against the town. I was also instructed to go to Colonia, in order to ascertain if Colonia would be a convenient place of rendezvous for the ships; and to confer with Colonel Pack, who commanded there, upon the possibility of landing a small corps of troops more to the westward of Colonia, in order to cut off a body of the enemy, which were then upon the left bank of the river. The same day that I received these instructions from the General, I conferred with Admiral Stirling, and received from him all the information that he could give

respecting the possibility of landing upon the opposite side of the river. He consulted at the same time with an American, and with Colonel Dean of the 38th regiment, who had been at Buenos Ayres with General Beresford. From every thing I heard upon the subject, the Ensanada de Barragon was the only place where the troops could be landed under cover of the ships of war, without going at least 100 miles to the eastward of the town. In consequence of this, the general particularly directed his inquiries to the situation of the Ensanada, and to the state of the roads between Buenos Ayres and that place. It was stated, that the Ensanada was the place where goods were often landed, and from thence conveyed up to Buenos Ayres in wheel-carriages. That evening I went on board the Fly sloop, and proceeded the next day up the river with Captain Thompson: we examined upon that and the succeeding days, a considerable extent of the coast, from at least 60 miles to the eastward of the Ensanada de Barragon, as far as six or seven miles to the westward of Buenos Ayres; the result of which examination was, that we believed there was no place where troops could be landed under cover of the smallest of the ships of war, excepting at the Ensanada de Barragon. We were particularly anxious to ascertain if a landing could be effected to the westward of the town, but Captain Thompson was decidedly of opinion, that the navigation was too intricate to render it at all safe to conduct a fleet of transports to that point. After having gone over to Colonia, and ascertained that a large fleet could rendezvous in that harbour, I returned to Monte Video on the 27th or the 28th of May. I had conferred with Colonel Pack on the other instructions which the General had given me, the subject of which I suppose I need not relate to the Court. I found upon my return, that General

Gower had arranged several matters with Admiral Stirling, with regard to the embarkation of the troops from Monte Video; that it was settled the transports were to be victualled; that supplies for 10,000 men for three weeks were to be embarked by the Commissary General; that 18 light guns were to be taken up, and some heavy pieces, I think four 24-pounders and two mortars, but of these I am not certain. The whole of the arrangement of artillery was confided to the commanding officer of artillery. I found that the general had given up all idea of mounting the whole of the cavalry.

Adjourned to to-morrow morning ten o'clock.

FIFTH DAY.

WEDNESDAY, FEBRUARY 3, 1808.

Judge Advocate---Before the witness is called in, I would suggest whether it would not be better to dismiss the great crowd of witnesses, who are in the adjoining room, to their own inconvenience and that of the public service, as they cannot be wanted in the course of to-day: I cannot conceive it possible more than one or two can be wanted besides the Gentleman now under examination.

Lieutenant Colonel RICHARD BOURKE called in again.

Examined by the Judge Advocate.

Judge Advocate—Understanding that it has always been usual in Courts Martial to read the charges to the witnesses called to give evidence, though I do not think it necessary in this case; yet I shall submit, that it would be right, in order to follow the mode usually adopted in Courts Martial, that the substance of the charges should be read to the witnesses. I take it, the charges, in the way they are attempted to be framed, need not be read: I have prepared the substance of them; the object undoubtedly is, that, in a narrative of this kind, whatever the witness has to state, applying to those charges, he will understand that he is bound to state.

The Judge Advocate read over an abstract of the charges.

Q. Will you continue ~~you continue~~ your narrative. I wish first to ask, whether you know

whether there was any accurate survey made of the river Plata, between Monte Video and Buenos Ayres, comprehending both banks of the river.

A. There was a survey made, by an officer of the navy, of the river; but there was no survey of the land.

Lieutenant Colonel Bourke continued his narrative.

I cannot exactly state what measures have been taken in order to procure horses; however, upon appropriating transports to the other services of the army, it was found that but five vessels would remain to be used as horse-ships. Upon my report, and that of Captain Thompson of the navy, the commander of the forces seemed disposed to fix upon the Ensanada de Barragon as the place for landing the troops who were to act against Buenos Ayres. The whole of the information which we had received respecting this place, and the roads and the country from thence to Buenos Ayres amounted, I think, to this—The distance from the Ensanada de Barragon to Reduction was said to be about twenty miles, and from thence to Buenos Ayres nine miles; that there were three different roads, one on the sands, one through the marsh, and a third upon the heights---the last was said to be the best; that in order to reach the heights, some marshy ground must be passed, through which the waggons and carts of the country commonly travelled; that the heights being once gained, the road was thence firm and good; that there were very few farm-houses upon the road, nor could the troops expect to find shelter short of the suburbs of Buenos Ayres; that from Reduction the high road lay over the bridge, but that by making a considerable detour to the left, we might, if we pleased, go round the head of the Rio Chieulo. The whole of this information went before General Whitelocke: the greater part of it

was contained in a memoir written by a person who accompanied the expedition. With regard to the projects of the enemy, it was understood, that he intended to oppose our landing, either at Quilmes point, at the town of Buenos Ayres itself, or at Sanesedro at the westward of the town; that he also meant to dispute the passage of the Rio Chieulo, and had constructed batteries on the left bank of that river. With regard to his force, the reports were so various and contradictory, that I believe no credit was attached to any of them. The force which was embarked and assembled near the Ensanada de Barragon, on the 26th of June, amounted to 7822 rank and file, including 150 mounted dragoons. It was provided with 18 pieces of field artillery, and 206 horses and mules for their conveyance, and for that of small arm ammunition: there was, besides, a large quantity of ordnance stores embarked, and a reserve artillery of some heavy pieces, mortars, and howitzers.—There were intrenching tools for 1000 men, six pontoons and their carriages, and some fascines.—There was camp equipage for 10,000 men, but no horses had been embarked for its conveyance. The embarkation of provisions, or the means of conveying them on shore, was not in my department; but I understood there was provisions for 10,000 men for two months at the least: and I had been applied to by the Commissary General for a ship to convey mules and carts across the river, from Monte Video to the landing-place. I should observe, that in that 7822 men, were included 1550 which had been brought over from Colonia on the 25th and the 26th of June. I am now to describe the march of the army, from its landing to its position on the night of the 3d of July. The first troops were landed about half past nine o'clock on the morning of the 28th; they consisted of General Craufurd's brigade, the 38th and 87th regiments.

Q. Of what did Colonel Craufurd's division consist?

A. Of eight companies of the rifle corps and nine companies of the light infantry. This force, except three companies of the rifle corps, which were ordered to be left behind, marched to the heights, about four miles from the landing-place, under the command of Major General Levison Gower; he had also, I believe, some mounted cavalry, and two field guns under his orders, but I cannot exactly state, because I had received a particular order from the General not to move with the advanced guard. Before sunset, this evening, all the infantry were landed; several field guns, artillery, and staff horses, the whole of the force, except Major General Gower's corps, was stationed in the village and fort of Ensanada de Barragon. This evening, the General stated it to be his intention to march the next morning at nine o'clock to the heights with the main body of the army: he desired me to remain behind, to hasten, as much as possible, the disembarkation of the horses and stores which still remained on board: he stated also, that he wished to have a considerable supply of bread and spirits sent up to the heights; and he authorised me, if the Commissary General was not sufficiently provided with the means of conveying it, to have pack-saddles put upon some of the cavalry horses, and have the provision conveyed in that way. In consequence of this, I believe about 40 horses were turned over to the Commissary General. By sunset, on the evening of the 29th, every thing was landed that could be conveyed. Early on the morning of the 30th, the artillery and commissary stores proceeded to the heights. On the march, the officer who commanded that part of the artillery, shewed me an order from Captain Fraser, who commanded the whole, directing him to destroy the Spanish guns, if he found any difficulty in bringing them through

the marsh; as I supposed this order was with the General's consent, I gave mine also. I left the artillery on the march, and proceeded to join the General on the heights. I found that Major General Gower had marched for Reduction, having under his orders four companies of the 98th regiment, the light battalion under Brigadier General Craufurd, the 36th and 88th regiments under Brigadier General Lumley, four six and two three-pounders, and some mounted cavalry. I found the General about to move with the main body of the army to the ground, which I understood had been occupied the evening before by General Gower's corps. He ordered the dismounted part of the 17th light dragoons and the 40th regiment to remain on the heights under Colonel Mahon, to escort the artillery when it should come up; he then moved forward with the main body about five miles, and the army was stationed at three farm-houses, about two miles distant from each other: the 38th regiment in the rear, and the 5th and 87th in the centre, and Colonel Mahon's brigade in the front.

Sir John Moore.---I thought Colonel Mahon's brigade was left behind.

A. No; Colonel Mahon was taken from his brigade: the part of Colonel Mahon's brigade, which was with the main body, consisted of the 6th dragoon guards dismounted, the 9th light dragoons dismounted, and the 45th regiment of foot. We received information that the artillery had all reached the heights, but that the seamen and horses were too much fatigued to bring it forward on that day. A dispatch arrived from Major General Gower, stating that he had halted, I think, about seven miles in our front: he said he had marched too late in the day to be able to reach Reduction the same evening.

Q. You are still speaking of the 30th?

A. Yes. That he was anxious to take his corps fresh against that place, because he had seen some Spanish officers reconnoitring his corps; and he conceived that the village might be occupied by the enemy. He also stated, that if he did not hear further from the General, he should proceed in the morning for Reduction. In answer to this, the General ordered him to halt where he was, until he should arrive with the main body of the army, which he hoped would be early the next day. An order was sent this evening to Colonel Mahon to proceed, the next day, as far as he could on the road towards Reduction. On the 1st of July, the main body of the army moved forward before sun-rise, and the whole was united at the front farm-house. I mean the whole of the main body of the army under General Whitelocke's command.

General Norton.—I think you said Lieutenant General Whitelocke's instructions to Major General Gower were, to wait till he came up with the main body?

A. Yes, they were. After some delay at this place, the main body moved forward, and joined Major General Gower about eleven o'clock.

Q. Was that at Reduction?

A. No; Major General Gower had halted short of Reduction. After a private conference between General Whitelocke and Major General Gower, the latter moved forward with his corps, and the main body halted for full an hour. I could not ascertain the exact route General Gower was to take; but, about one o'clock, the main body of the army moved forward for Reduction. A small advanced guard was formed to our column, consisting of four companies of the rifle corps and four grenadier companies; and, upon approaching Reduction I moved forward with this advance. I found some of our own

dragoons in the village, and there learned that Major General Gower had passed through it with his corps. Shortly after, the General came up into the village, and received a dispatch from Major General Gower, in which he stated his having passed through Reduction with little opposition; that he should endeavour to push on that evening to the Rio Chieulo, and, if possible, push a small corps across the river. A little before sun-set, the main body of the army arrived at the village, and was stationed in front of it, at the distance of a few hundred yards. Some time after sun-set, a second dispatch arrived from Major General Gower, who stated, that the ground in his front appearing very marshy, he had not pushed on to the Rio Chieulo, but had halted about two miles from Reduction; that his leading brigade, he concluded, was about five miles from the river, the bridge over which he believed to be burnt. This, as far as I can remember, was the substance of his dispatch. Shortly after we had reached the village of Reduction, an officer had landed from the fleet, to whom General Whitelocke had given some directions respecting landing some bread and spirits the next day for the army.

Q. Where did he land?

A. About four miles from Reduction. Reduction I believe to be about four miles from the river. He landed at Quilmes point. I cannot speak with certainty, but I believe Reduction to be about four miles.

Q. Will you mention the name of the officer who landed?

A. I do not know. In the course of the evening General Whitelocke informed me that it was his intention to halt the next day, in order to allow Colonel Mahon and the artillery to join him, and that the whole of the army might be supplied with

bread and spirits. It was also settled that he, General Whitelocke, and some of his staff, was to proceed in the morning to the advanced corps, from whence he was to proceed with an escort from General Craufurd's brigade, to reconnoitre the position which we understood the enemy occupied in the Rio Chieulo. It was settled also, that the fords over the river were to be examined, and it was imagined that from this reconnoitring party some project of march or of attack could be formed on a sure basis. An order was sent this evening to hasten Colonel Mahon forward the next day. This, I think, closed the proceedings of the 1st of July. On the second of July, about two o'clock in the morning, the General called his secretary, and said that he had changed his mind, and would order General Gower to move forward, as he was very anxious the troops should get into cantonments, which he understood could be found in the suburbs of the town of Buenos Ayres: he dictated a letter to General Gower, to the contents of which I cannot, at this length of time, positively swear; but to the best of my belief, the Major General was ordered to proceed with the corps under his command, and pass the Rio Chieulo at the first ford which he should find practicable above the bridge. He was to take up a position on the heights, to the westward of the town, and was allowed to enter into a communication with the Spanish commander upon the subject of the surrender of the town; and I think he stated, upon the terms which they had already discussed. After some further conversation with the General, in which I stated to him our extreme ignorance of the country, and pressed upon him the necessity of reconnoitring the river, I was ordered to take the letter which was then written to Major General Gower, at day-break that morning. I accordingly proceeded with the letter to Major General Gower, and which I delivered to him. He

complained to me that the 88th regiment, then under his command, was extremely unsteady, and very much fatigued, and seemed altogether dissatisfied at the order he had received. I stated to him, that as the distance between the two corps was but short, it might perhaps be advantageous if he would communicate himself with the General on the subject: he told me he had received a peremptory order to march, and should obey it. He then sent for Brigadier General Craufurd, and an American who knew the country, and who served as guide, and consulted with them on the proposed march. He particularly questioned the guide as to the pass of Chico, which was supposed to be the first pass above the bridge. It was represented as a very bad pass, and about five or six miles distant from the Major General's position. As far as I can remember, the result of this conference was, that the General would not move his corps to the pass of Chico, but would move along the heights, and endeavour to find a more practicable ford. I can only state this to be upon the best of my belief at this distance of time. Major General Gower again expressed a good deal of uneasiness at this march which he was ordered to undertake; and I told him in consequence, that I would represent the matter to the General, and that I thought it was likely that he would move the whole army to his support; but on this subject I could speak with no certainty, as the General had not communicated to me whether he intended to march that day or not. General Gower then wrote an answer to General Whitelocke's order, which he gave me to convey, and he desired me at the same time, to write down the terms which he was to offer to the Spanish commander. Previously to my leaving Reduction that morning, the General had communicated to me what these terms were, which I wrote down accordingly, at General

Gower's request. I cannot at this time exactly state what those terms were, excepting that the principal one was the immediate restoration of the 71st regiment, and the prisoners taken under General Beresford. I returned to General Whitelocke, whom I found half way between the two bodies. He asked me if General Gower seemed pleased at the order he had received. I stated that he complained of the state of the 88th regiment; and I submitted to the General, whether it would not be adviseable to support him. The General, I think, first proposed sending him a single regiment; but a short time afterwards, he ordered the whole army to march at ten o'clock: he then desired me to write a letter to the Admiral, to state that the whole army was in motion, and proceeding for the westward of the town, and to desire that means might be taken for landing provisions there, and that the ships which conveyed the heavy artillery, should be sent up likewise. He then desired me to consult with one of the guides; the same man who had written a memoir upon the roads, and appeared to be the most intelligent, as to the shortest route to a practicable pass over the Rio Chieulo. He stated, that about two leagues distant, in a south westerly direction, we should arrive at a place where the Rio Chieulo was quite passable; and he brought a peasant, who stated that he was perfectly well acquainted with the country, and would conduct us there.

Q. Was the name of the ford mentioned?

A. It was not mentioned at that time. General Whitelocke had some conversation with this man, and he desired me to conduct the column under his direction. The army marched about half past ten o'clock, and proceeded about three miles in a south westerly direction. A little before twelve o'clock I saw the corps under Major General

Gower, at about three miles distance, proceeding nearly at right angles to our line of march. I stated this to the guide, who told me that as soon as we had crossed a stream called the Arroyo de Masiel, we should move in the same direction also; we accordingly crossed the Arroyo de Masiel, and proceeded pretty nearly in the direction which the guide had stated. The guide then shewed me a high tree upon a hill, under which, he said, at a short distance we should find the ford, to which he intended to conduct us. About half past two o'clock, as we were moving by two farm houses, the General proposed to halt for the day. I stated to him the information the guide had given me, as to the distance of the pass; and I also stated to him, that from my communication that morning with General Gower, I was convinced that unless he was actually ordered to halt, he would cross the river, and proceed to the heights to the westward of the town. The General had not decided whether he would actually halt or not, when Sir Samuel Achmuty came up, to whom he referred the question; Sir Samuel Achmuty immediately decided for halting, stating, I think that there was a large quantity of sheep close to these houses, and that there was fire wood in order to dress the meat. The army was accordingly halted, and formed in two lines; Sir Samuel Achmuty's brigade in front, and Colonel Mahon's in the rear. An officer and some dragoons were sent back to Reduction, to order Colonel Mahon to halt there till further orders. A little before sun set this evening, we heard a cannonade, apparently near Buenos Ayres, the steeples of which had been in sight ever since we left Reduction. Colonel Mahon was taken from his brigade, and had one regiment of his own, and one of General Lumley's. On the 3d of July the army marched a little before day break, and passing by the tree which the guide had before pointed out, we proceeded towards the ford, which

he then told me was called the Passa Desamora. I went on about a mile, or a mile and a half in front, with the guide, in order to see the pass; the water was so deep that the guide swam his horse over; but proceeding about one mile farther down the stream we found a good and a safe pass. The army had arrived at the pass between nine and ten o'clock; but as it was exceedingly narrow, and the water up very near to the arm pits, the whole army had not crossed until near one o'clock. About one mile and a half from the pass, we met an officer sent by General Gower, who stated to us his having been engaged the evening before, and who conducted us to the General's division, which I suppose was about one mile and a half further. We found that his advanced posts had been engaged all the morning; and I understood that he had just before ordered them to withdraw, in order to induce the enemy to attempt an attack upon the line. I went with General Whitelocke into Major General Gower's quarters, who had the map of the town of Buenos Ayres upon the table, and who was desired by General Whitelocke, to point out the best position for the troops then come up, as he observed, that from having been longer on the ground, he must be better acquainted with it. General Gower proposed that Sir Samuel Achmuty's brigade should be placed upon the left, and should extend itself as far as the Recolata Convent, on the banks of the River Plata; but as the distance was too extensive, he was directed to place his brigade in that direction; Colonel Mahon's brigade was ordered to the right. As the enemy did not come out in the way General Gower seemed to expect, the advanced posts of the army were ordered to be resumed. I went to the right to Colonel Mahon's brigade, in order to see how they were placed; and returning from thence about five o'clock, I called at General Gower's quarters, and he shewed me a plan for an attack

upon the town, which he appeared to have just finished, and which was completely detailed in all its parts. and was the same which was given out the next day in orders, with some very trifling alterations. I proceeded to look at the advanced posts of the centre and left, General Gower going, as I understood, to head quarters, with the plan. I reached head quarters after dark; and in the course of the evening General Whitelocke asked my opinion of the plan of attack, which was to take place the next day at twelve o'clock. I made great objections to one clause, which stated that no prisoners were to be taken: as I conceived, that in an attack of that sort, upon an open town, it would be quite impossible to prevent a great deal of butchery. I said I thought the plan would succeed, but that it appeared to me to be completely a new case, as I did not remember to have heard before of a similar order of attack. The Lieutenant General said he would leave out the order for making no prisoners, and that he would summon the town the next morning before he attacked it. He admitted that the plan was novel, but stated that he was compelled by circumstances, to adopt it. I understood that an order was sent this evening, to Reduction, to Colonel Mahon, to order him to move the next morning towards the bridge, over the river Chieulo, and there to wait for orders; but as that order was not either given by me, or written by me, I cannot exactly swear to it; but it seemed determined to commence the attack upon the town, whether his arrival on his ground should be reported, or not.

Judge Advocate.—Perhaps the Colonel will excuse me for stating, I am sure, the accuracy with which the evidence has been given, by Lieutenant Colonel Bourke, is very great, but as we are now come to a very important part of the case, I think it may be right to remark to Lieutenant Colonel

Bourke, that he cannot state with too much particularity, every thing which passed within his knowledge, between the time of the junction of the main body, under Lieutenant General Whitelocke, and the close of the night of the 4th of July, with respect to preparations for bringing up the artillery, and in short any preparations for making sure the attack the next day; and particularly what orders he received written or verbal, in his official capacity of Quarter Master General. There is another point I would state, because it may save putting some questions in future; you will have the goodness to relate what information you received of the strength, position, or means of defence, of the enemy, either during the march, or at any period previous to the end of the 4th of July?

Colonel Bourke. On the morning of the 4th, the Brigadier Generals, and some commanding officers of regiments, attended at head quarters, where Major General Gower read and explained to them the order of attack, which, I put down upon the plan of the town; shortly afterwards the Adjutant General and myself, and all but the Brigadier Generals, were sent out of the room, and I supposed their opinions were going to be taken upon the plan of attack. This conference soon broke up, and the attack was ordered to take place at half past six the next morning. I had received no orders, either from the Lieutenant General, or from Major General Gower, upon the subject of this attack; but I went out on horseback, for the purpose of endeavouring to reconnoitre some part of the ground through which the different columns were to move forward for the attack of the town. I found that the advanced posts were engaged, and that the same plan was adopting for the purpose of drawing the enemy out of the town, which had been practised without success the day before. It

was not until about three o'clock in the afternoon that the advanced posts were resumed; and I had but just time before dark to shew the Brigadier General the roads through which the wings of the regiments, composing the brigades, were to march into the town. In this I was assisted by one of the guides, who shewed me the street that led straight to the north east bastion of the fort, which I took as a point of departure. I found that there was a considerable variance between the plan and the ground, and I reported to Major General Gower that I believed the columns would not all be placed in the way he expected. I thought it also my duty to state to him, that if the attacking columns proceeded in the way he had ordered, the enemy would probably retire into the streets that ran at right angles, and, afterwards closing upon our columns, would probably cut off all communication between those within the town and those without. Major General Gower made light of those objections.—In the course of the day the commanding engineer had brought me a return of all the instruments he had been able to collect, for breaking open doors, &c. ; and I desired him to give those, which appeared to be the most effective, to the light battalion and the rifle corps, who I understood were to endeavour to occupy two of the principal churches. Late in the evening I met Major General Gower returning from head quarters, who asked me where I thought the Lieutenant General had better place himself in the morning. I stated that I thought he had better proceed to the left, with the 38th regiment, as there were two brigades to attack the town on that side, and that he, Major General Gower, might perhaps be stationed on the right, as the centre was intended to be but a false attack. He informed me that the Lieutenant General had ordered him to remain with him, and that therefore he had named the centre as the proper station, and that it had been

agreed upon accordingly. I do not remember any other thing of consequence that occurred this day. I believe there were one or two orders sent to Colonel Mahon, but I cannot say to what effect.

Judge Advocate—Perhaps the Court will wish that this long narrative of Colonel Bourke, should be read over to him, in order that he may see whether it is perfectly accurate.

A Member—If it is concluded, certainly.

Mr. Oldham read over the evidence of Lieutenant Colonel Bourke.

Judge Advocate—When you went to Colonia, as you stated, to confer with Colonel Pack, who commanded there, were you directed to make any, and what enquiries, as to the number of horses provided there for the use of the expedition?

A. I do not remember that I was. I believe that at that time the horses at Colonia were in very bad condition.

Q. You were not at Colonia afterwards, were you?

A. Yes, I was.

Q. At what time?

A. I was sent there with Major General Gower, I think on the evening of the 24th of June.

Q. What number of horses did you find provided there, at that time, for the use of the expedition?

A. I do not believe that any horses were provided there for the use of the expedition, there had been a squadron of dragoons stationed there for a considerable time before.

Q. Do you know what number of horses were at Colonia at that time?

A. I cannot exactly state, as I had no returns; but I believe there were about 150.

Q. Do you know whether those 150 horses had been properly trained for army services?

A. I cannot say.

Q. How many transports were provided for the conveyance of horses for the use of the expedition?

A. I think there were four for the artillery horses and mules, three for the cavalry, and two for the staff, besides a ship, which was allotted to the Commissary General.

Q. Were the 206 mules and horses, which you have described to have been conveyed to Ensenada, transported in the nine ships you have stated?

A. I stated that there were four ships allotted to the purposes of the artillery. I believe I cannot speak definitively to the artillery arrangements, as they were all confided to the commanding officer.

Q. Previously to the leaving Monte Video, were any, and what measures taken for collecting the small craft in the river Plata?

A. I never heard that there was any small craft in the river, except in the harbour of Monte Video, and at Buenos Ayres.

Q. In the survey, which you have described to have been made, of the banks of the river, with a view to ascertain the most proper place for landing the troops, did there appear to be any other objection to Point Quilmes than that which you have already named, that the troops could not land there under cover of the ships of war?

A. I stood in as close to the Point Quilmes, in the Encounter gun brig, as the shallowness of the water would permit. I believe I was then one mile and a half from the shore; I went up into the main top in order to look over the beach, and I saw that a battery had been erected at the village of Reduction, as I supposed, to command the passage through

the marsh, in which marsh General Beresford had before nearly lost all his artillery when he landed.

Q. Were there any other objections?

A. I have before stated that it was understood the enemy intended to oppose our landing at that place. I know of no others, excepting that it is in general supposed safer to land in a harbour than on the open coast.

Q. Were there any, and what objections to the landing higher up the river, besides that which you have stated, namely, the difficulty which Captain Thompson suggested of conducting the transports so high up the river?

A. I supposed that that objection was conclusive.

Q. Were there any other objections?

A. I know of none, except that the transports could not have been brought up there, and therefore I do not see how they could disembark the troops.

Q. Were there any, and if any, what number of flat-bottomed boats accompanying the army, which might have enabled them to land in places where the shallowness of the water would not admit of transports, in case the commander-in-chief had adopted such a plan of operations?

A. Previously to leaving Monte Video I had received a return from the transport agent, of the number of flat-bottomed boats; and, as well as I can remember, there were but seven or eight in the river, six of which were given to the commanding officer of artillery, for the disembarkation at the Ensanada de Barragon.

Q. If there had been a sufficient number of flat-bottomed boats prepared for the transport of the troops, is it your opinion that a landing above the town would have been the most proper place to land?

A. As far as I understand the use of flat-bottomed boats is to convey the troops from the transports to the shore ; the difficulty here seemed to be to get up the transports.

Q. How high up the river did it appear that transports could reach without difficulty ?

A. I cannot exactly say ; but I believe they could not proceed, with safety, even as high as the town.

Q. Then of course you cannot state what distance the troops would have had to row in flat-bottomed boats, if there had been a sufficient number provided ?

A. It is impossible to state, unless I were acquainted with the anchorage of the ships, and the place intended to be landed upon.

Q. What is the distance between Colonia and the opposite bank of the river ?

A. I believe between 7 and 8 leagues.

Q. Having stated in your evidence this morning that you saw an order to survey the Spanish guns, what number of Spanish guns were there to which the order applied ?

A. There were either four or six four-pounders, I cannot exactly say which.

Q. Did they form a part of the eighteen you mentioned ?

A. Yes.

Q. State what other losses, in stores or provisions, the army sustained in their march to the heights on the day of landing ?

A. I cannot speak with certainty. I believe only a few bags of biscuit, which the horses kicked off.

Q. Do you know whether all the provisions, which were landed, were taken from the banks of the river ?

A. I cannot speak with certainty.

Q. What number of guides were taken from Monte Video, to accompany your expedition; and how were they distributed, what number to the advanced corps, and what number to the main body?

A. There were two persons taken expressly for the purpose of serving as guides, and there was a third person, who was of great service in that way; there was one of them with each division.

Q. Were there any, and what number, of prisoners taken before the army reached Reduction, who acted as guides, independently of the persons you have mentioned?

A. There were no prisoners taken from the enemy's army, but there were two persons taken from the village of Barragon.

Q. Were those the only people of the country who acted as guides during the march from Ensenada de Barragon to Buenos Ayres?

A. I believe they were the only persons.

Adjourned to to-morrow morning ten o'clock.

SIXTH DAY.

THURSDAY, FEBRUARY 4, 1808.

Lieutenant Colonel BOURKE called in again.

Examined by the Judge Advocate.

Q. Did the troops land at Ensanada in a state of light equipment, with a view for the active operations in which they were to be engaged?

A. The order in which they were to land was given out in general orders a few days before. I think each man was ordered to land with a great coat, a blanket, a flannel waistcoat, and a pair of socks.

Q. Were the horses of the country sufficient for the cavalry service, the commissariate, and ordnance?

A. I cannot exactly speak to those points. I believe they were the best horses that could be procured.

Q. Were all the horses that were embarked for the use of the army landed at Ensanada?

A. I believe they were.

Q. State the particular corps to which the 150 mounted dragoons were allotted.

A. One hundred and fifty of the 17th light dragoons were provided with horses.

Q. Having stated that 150 of the light dragoons were provided with horses, what were the particular corps to which those mounted light dragoons were allotted?

A. I cannot exactly state what number of dragoons were with the army ; nor can I give their exact description.

Q. State, as accurately as you can, what proportion of the one hundred and fifty light dragoons were attached to the main body of the army.

A. I believe forty at the utmost.

Q. Then without expecting precise accuracy in the answer, in what proportions were the remainder distributed to the other bodies ?

A. I cannot at all speak to that point from my own knowledge.

Q. How were the forty horses, which you have stated were given up to the commissariate on the 29th of June, disposed of during the subsequent movements of the army ?

A. I believe the greater part of them moved with the main body of the army.

Q. In what service were they employed ?

A. I think when the provisions which they carried was consumed, they were chiefly employed to carry sick men who were unable to walk.

Q. How long were these forty horses employed in carrying provisions ?

A. Some for a longer, and some for a shorter time. I believe the whole of the bread which they conveyed was consumed by the time the army reached Reduction ; but I beg to observe that I cannot be precise upon any of these points.

Q. During the march from Ensanada to Reduction were any provisions delivered to the men ?

A. There were.

Q. At what period ?

A. Upon the 30th of June.

Q. What provisions were they, and to what amount?

A. Some bread and fresh meat; I cannot say to what amount.

Q. By fresh meat do you mean meat landed at Ensanada, or provided in the country subsequent to the landing?

A. Provided in the country.

Q. Can you tell to what amount per man?

A. I have before said I could not tell.

Q. Did the advanced corps receive the same proportion of provisions with the rest of the army, whatever that proportion was?

A. I cannot tell.

Q. The question is, whether the advanced corps received the same proportion with the rest of the army, of the provisions delivered out subsequent to the landing?

A. I cannot tell; I was not with the advanced corps; and the delivery of the provisions did not lie upon me.

Sir John Moore.—It does not lie with the Quarter Master General: the Quarter Master General could tell the number of marches it would take to a point, and the means taken to provide the army generally, but not the exact proportion of provisions delivered out to each corps.

Judge Advocate.—I am much obliged to the honourable member. I shall now come to some questions more immediately within the knowledge of the witness. Having overcome the local difficulties between Ensanada and the heights, was any previous calculation of marches made, and supported with such arrangements for feeding the troops and moving the artillery, such as in your judgment as Quarter Master General, pro-

posed the best chance of a rapid advance to Buenos Ayres?

A. I never heard of any calculations or arrangements whatsoever upon this subject. I was totally ignorant of the plan of operations which the General intended to pursue.

Q. Were there any local impediments to the army's advancing from the heights above Ensenada to the Chieulo, in parallel columns, and thereby shortening the line of march?

A. I can only speak with certainty of the ground which I went over myself. I believe there was no local impediment as far as Reduction.

Q. Would the shortening the line of march have quickened the operations, and assured a ready communication between the two corps, and the certainty of mutual support, in case of coming into action with the enemy?

A. I do not precisely understand the question. Certainly if the two corps had been closer to each other, they could have more readily supported each other.

Judge Advocate.—The question was to ascertain in the way of evidence, a fact which appeared too clear to put a question on. Were there any inhabitants in the houses the army passed on the 30th?

A. I believe not one.

Q. Was there any intelligence received upon the 30th, and if there was any, what was it as to the state of the bridge over the Chieulo, and the state of the preparations made by the enemy for defending the passes over that river?

A. I believe there was no intelligence received on the 30th. I never heard of any.

Q. Having stated in your evidence, yesterday, that a number of men of the advanced corps had

fallen back through fatigue, can you state what that number was?

A. I do not recollect to have stated any thing to that effect.

Judge Advocate.—Then I will withdraw the question. I see that I have taken the information Lieutenant Colonel Bourke received from Major General Gower, for Lieutenant Colonel Bourke's own knowledge. Did you find upon your arrival at Reduction, any number of men belonging to the advanced corps, who had fallen back, not having been able to proceed through fatigue?

A. I did.

Q. About what number of men in that situation did you find at Reduction; of course that is a question it is impossible to expect you to answer with accuracy?

A. I believe there were altogether about one hundred and fifty men in the village; but the whole of those were not fatigued men, but some of them were left by Major General Gower to keep possession of the village.

Q. Had any, and what number of the advanced corps fallen back from fatigue, either upon the main body, or left in the rear under Colonel Mahon, previously to the arrival of the army at Reduction during the march of the 29th, 30th, and 1st of July?

A. I cannot exactly say; if any, they must have been very few, the marches were so short.

Q. Having stated that about two o'clock on the morning of the 2d of July, Lieutenant General Whitelocke called his secretary and yourself, and said he had changed his mind, and would order Major General Gower to come forward, as he was anxious the troops should get into cantonments, which he understood could not be found till they got to the suburbs; Lieutenant General Whitelocke, you stated, dictated a letter to Major

General Gower, to the contents of which you cannot now positively swear, but to the best of your belief, the Major General was ordered to proceed with the corps under his command, and pass the Rio Chieulo at the first ford which he should find practicable above the bridge; that he was to take up a position on the heights, to the westward of the town, and was allowed to enter into a communication with the Spanish commander upon the subject of the surrender of the town. I believe I state accurately your evidence of yesterday; reminding you of that statement, I would ask whether what you have already stated of the contents of that letter, is the whole you can recollect?

A. It is the whole that I recollect, and even to that, as I before said, I cannot positively swear.

Q. Then can you or not state whether there might not be other parts of that letter which your recollection, at this distance of time, does not enable you to speak to?

A. Certainly there might.

Q. Were the terms which Major General Gower was allowed to offer to the town of Buenos Ayres specified at the time by Lieutenant General Whitelocke, either in Lieutenant General Whitelocke's letter, or in conversation?

A. I do not think they were specified in the letter. I have before said that he communicated them to me.

Q. Were they specified in writing, or in conversation?

A. They were communicated to me verbally by Lieutenant General Whitelocke, a little before the time that I set off with the letter to Major General Gower.

Q. Having stated that Major General Gower desired you to write down the terms to be offered to the Spanish commander, and that you did write

them down according to Major General Gower's request; are you certain that the terms which you wrote down, were the terms dictated to you by Lieutenant General Whitelocke?|

A. As so short a time had elapsed between my receiving them from Lieutenant General Whitelocke and writing them down for Major General Gower, I should suppose they were.

Q. Have you any doubt upon that point?

A. That is a question exceedingly difficult to answer. I suppose I wrote them down with accuracy; but to the best of my belief I wrote them down with precise accuracy.

Q. Having stated that in this conversation with Lieutenant General Whitelocke, you stated in objection to the plan which he proposed, your extreme ignorance of the country, to make use of your own words, and pressed upon him the importance of reconnoitring the river, I would ask what answer was made by Lieutenant General Whitelocke to your observation?

A. As far as I can remember, he stated great anxiety to get the men into cantonments, as he was apprehensive their health would suffer by being exposed for any greater length of time.

Judge Advocate.—It would have assisted your recollection perhaps, in making that answer, if I had gone further in the evidence.

The Judge Advocate read, *beginning*, “ it was settled,” *ending*, “ day-break in the morning.”

Judge Advocate.—It is on that conversation that my question arises. I do not know that the reading that over will make any difference in your answer.

A. It will make no difference in the answer. I do not recollect that Lieutenant General White-

looke stated any other reason for departing from the one mode of operation, and adopting the other.

Q. Had you then, or at any other time, any and what reason to think, that Lieutenant General Whitelocke changed his original plan of reconnoitring the approaches to the Chieulo on the 2d of July, in consequence of any intelligence he had received, or solely from the anxiety he expressed to get the troops under cover?

A. I can only state the reasons that Lieutenant General Whitelocke gave to me.

Q. Did Lieutenant General Whitelocke add any verbal instructions to the letter he dictated to Major General Gower, and directed you to convey to him?

A. I do not think he did.

Q. Was nothing said about the 87th regiment being sent to the assistance of Major General Gower?

A. I do not remember any thing on the subject at that time. When I came back from Major General Gower, I think Lieutenant General Whitelocke spoke of sending him the 87th regiment.

Q. In your interview with Major General Gower did you give him reason to expect that any particular regiment would be sent to him?

A. I do not remember that I did.

Q. Do you know whether, after your return from General Gower's head-quarters to Reduction, any order or dispatch was sent by Lieutenant General Whitelocke to Major General Gower, in the course of the 2d of July?

A. I do not know that there was.

Q. Have you any reason to believe that there was not?

A. If any had been sent, I think I should have heard of it.

Q. Having stated that you were ordered to proceed at day-break to Major General Gower, at what hour does the day break at that period of the year?

A. I believe about half after six.

Q. What was the state of the weather at that time?

A. The day, July the 2d, was an exceedingly fine day; the night before there had been a good deal of rain; the day was very fine.

Q. You stated that, on your return from Major General Gower, on the morning of the 2d, you met Lieutenant General Whitelocke between the main body and the advanced corps,—Do you know for what purpose the General had advanced?

A. I do not.

Q. Did he proceed after you met him, or did he return to Reduction?

A. He returned to Reduction.

Q. Did you learn from him where he was advancing to when you met him?

A. I did not.

Q. Do you know whether he returned to Reduction in consequence of any communication he received from you, or for what other reason?

A. I cannot say.

Q. When you met Lieutenant General Whitelocke, did you inform him that Major General Gower had complained to you of the inefficiency of some of his infantry?

A. I did. I have already stated that in my evidence of yesterday, I think.

Q. What statement did you make to Lieutenant General Whitelocke, when you met him between Major General Gower's head-quarters and Reduction, of the conversation which had passed between yourself and Major General Gower. I wish to know, in detail, what you stated to Lieutenant General Whitelocke?

A. I cannot at this length of time recollect the whole of the conversation. I stated, that Major General Gower seemed dissatisfied with the order, and complained of the inefficiency of the 88th regiment. Lieutenant General Whitelocke seemed to be very soon aware of the necessity of supporting him; but I cannot by any means attempt to give the whole of the conversation in detail.

Q. Did you state to Lieutenant General Whitelocke, that Major General Gower had informed you, that he considered his orders so peremptory, that he was resolved to carry them into execution, and would obey them? In the words of that question, I have followed the expressions you used, as having passed from Major General Gower.

A. I do not remember that I did at that time.

Q. Did you apprise Lieutenant General Whitelocke, that you had given Major General Gower reason to believe that he would be supported by the main body of the army?

A. I do not remember to have given Major General Gower reason to believe it, strictly so speaking. I went no further than to state to Major General Gower——

Judge Advocate—I will read the statements you made yesterday.

The Judge Advocate read, *beginning*, "I told Major General Gower," *ending* "marched that day or not."

I will alter the question, if Lieutenant Colonel Bourke feels an objection to answering it in its present state—Did you apprise Lieutenant General Whitelocke of the conversation which you had had with Major General Gower upon the subject of the commander of the forces marching the whole army to his support?

A. I believe I did.

Q. Did Lieutenant General Whitelocke make any, and what reply, to that communication from you.

A. I do not remember.

Q. Having stated that, by Lieutenant General Whitelocke's orders, you wrote a letter to the Admiral, on the morning of the 2d of July,—Did you keep a copy of that letter?

A. I did not.

Q. Having stated, that about twelve o'clock, in your march upon the 2d of July, you perceived Major General Gower about three miles from you,—I would ask, whether you saw Major General Gower's corps at any other, and if at any other, at what period of the 2d of July?

A. I never saw it afterwards.

Q. Did your observation of the face of the country, and the direction in which the advanced corps was marching, when you saw them about twelve o'clock, lead you to conclude that it must have passed the Chieuolo, and consequently found a ford?

A. I had no means of forming an accurate calculation on that head.

Q. Did there appear any difficulties in the face of the country to the march of the main body,

being pointed towards the direction where you perceived the advanced corps, as you have stated, so as to have formed a junction with that corps?

A. I have before stated, that the guide informed me, that when we had crossed the Arroyo de Masiel, which was then before us, we should then move in the same direction in which I observed the advanced corps to be moving, after we had passed the stream. I did not perceive any local impediments to a junction.

Q. Do you know what number of mounted dragoons Lieutenant General Whitelocke had in his division in the march on the 2d of July?

A. I said before, that I could not speak with accuracy on that subject; I believe altogether he had not more than forty—forty was the utmost.

Q. My object was to know, whether any cavalry had been procured in the country. Was any attempt made by General Whitelocke to communicate with General Gower by patrols, or in any other manner, on the 2d of July?

A. I believe there was not.

Q. Should you have known of it?

A. I suppose I should.

Q. Was there any reason why a patrol of cavalry might not have been sent at the time when you have stated the advanced corps to have been in sight about three miles off?

A. There was no reason why a patrol might not have been sent; but I cannot attempt to say that they would have arrived at General Gower's corps.

Q. State what difficulties presented themselves to your observation, in the way of a body of cavalry reaching the advanced corps at that period of time?

A. I understood from the guide, that we were at

that time at different sides of the Arroyo de Masiel, and I saw myself a considerable swamp.

Q. Were any and what means taken to procure guides, either at Reduction, or in the course of the march on the 2d of July?

A. I do not believe there was a single inhabitant in the village of Reduction, when we arrived there. The man who conducted our column had come over with the commissary from Colonia: there were none procured in the course of that day's march; the houses that we passed by were all deserted.

Q. Was any, and what information received by General Whitelocke of the state of the bridge over the Chieulo, and the state of the preparations made by the enemy for defending the passes over that river, to the close of the 2d of July?

A. I was not informed that General Whitelocke had received any intelligence whatsoever on those points, excepting what had been communicated to him by Major General Gower respecting the bridge.

Q. When General Whitelocke ordered his army to halt, as you have stated, at half past two, about how many miles had you marched that day?

A. I believe about seven miles.

Q. Was the fatigue of the army such as to render the halt unavoidable?

A. I cannot speak with any certainty upon that point: I was at the head of the column; I could not see what passed in the rear.

Q. What was the length of the preceding day's march, the 1st of July?

A. I believe about fifteen miles; I speak from head-quarters; the corps was stationed in three different bodies.

Q. What was the length of march on the 30th?

A. About five miles.

Q. And on the 29th, the same question?

A. About four miles.

Q. Having stated in your evidence of yesterday what the guide said as to the distance of the pass, that from your communication that morning with General Gower, you were convinced that, unless actually ordered to halt, he would cross the river, and proceed to the heights to the westward of the town,—What answer did you receive from General Whitelocke to that representation.

A. I think he stated that the troops were fatigued, and that the spot we were then on seemed a convenient place for halting, on account of the fire wood which was there, and the large flocks of sheep which were close to it.

Q. How many hours remained of day-light, when the army halted on the 2d?

A. I should suppose not more than two hours and a half at the utmost.

Q. Did the hearing of the cannonade, which you stated in your former evidence, on the side of Buenos Ayres, occasion any proposal for giving prompt support to the advanced corps?

A. From whom?

Q. In the first instance, I ask from any one?

A. I do not remember to have heard of any proposal for marching that afternoon.

Q. Did General Whitelocke make any observations to you upon the subject of that cannonade?

A. It is very probable he did, but I do not remember what they were. I do not think that I was with General Whitelocke at the time we heard the cannonade.

Q. At about what time in the evening was the cannonade heard?

A. A little before sun-set.

Q. Were any, and what measures taken in consequence of hearing that cannonade?

A. I believe there were no measures taken in consequence.

Q. At what hour does the sun set at that period of the year in that place?

A. I believe before five o'clock; I cannot say exactly.

Q. At what hour was the main body ordered to march on the morning of the 3d?

A. At six o'clock, I think; which was before day-break.

Q. With regard to the plan of attack, did General Whitelocke ever state to you any plan, on which he originally intended to act in the attack of the town of Buenos Ayres.

A. He never stated to me any precise plan on which he intended to act; but I collected from various conversations, that he intended to place his left upon the river La Plata, to communicate from thence with the shipping, and to take such other measures against the town as circumstances might require. I had heard him further say, that he would be very cautious how he suffered the troops to enter the town; and I understood from him that he intended to employ heavy artillery against it. I never saw any precise plan to this effect: nothing detailed.

Q. At what hour on the 4th, was the conference at head-quarters, to which you alluded in your evidence yesterday, between the generals held?

A. I believe about ten o'clock.

Q. You stated, that the attack was to take

place at noon that day,—Do you know why it was deferred from twelve on the 4th to the next day?

A. I do not.

Q. Did you state to General Whitelocke the objections to the mode of attack, which you stated in your evidence of yesterday you made to General Gower?

A. I do not remember that I did.

Q. You stated that you reported your local observations to General Gower, and that you stated to him the probable consequences of certain parts of the plan of attack—Was it understood, upon the 4th, that the immediate direction of the attack was left to General Gower?

A. General Gower gave out all the orders on the subject that I heard of; there might have been others that I did not hear.

Q. Do you know whether General Gower received from General Whitelocke the orders which he (General Gower) gave out upon the subject of the plan of the attack?

A. The orders that I alluded to were given out at head-quarters in General Whitelocke's private room, and in his presence: excepting in some few points, they appeared to be the same General Gower had shewn me the preceding evening.

Q. Had you any knowledge of a want of confidential communication between General Whitelocke and General Gower?

A. I had not.

Q. Having stated in your evidence yesterday, that General Whitelocke told you that he had adopted a plan of operations against Buenos Ayres, that the plan he had adopted was novel, but that he felt himself compelled by circumstances to adopt it,—Did he state to you what those circumstances were?

A. I think he stated, that he was afraid the army would want provisions, and also that he had not found General Gower's corps in the situation which he expected; the reasons which he gave made very little impression upon me at the time. I cannot recollect more than what I have said.

Q. Did he add what that situation was, in which he expected to find General Gower's corps?

A. I do not remember that he did.

Q. Having stated in your evidence yesterday, that an order was written to Colonel Mahon, and sent on the night of the 3d,—Can you tell by what means, or by what route, that order was sent?

A. The order was sent by a mounted countryman.

Q. Was that countryman unattended, or what escort had he?

A. He was unattended, I believe.

Q. Where was Colonel Mahon at the time that order was sent?

A. At Reduction.

Q. What was the purport of the order?

A. I stated in my evidence yesterday what I believed to be the purport of the order, that he was to move the next day towards the bridge over the river Chieulo.

Q. At what hour of the evening, or night, was this countryman sent with the order?

A. I cannot exactly say.

Q. Do you know what route that countryman was directed to take?

A. I do not.

Q. Do you know whether this countryman came with the army from Monte Video, or whether he had joined the army subsequent to the landing at Ensanada?

A. I believe he came up with the army from Monte Video.

Q. Will you state the substance of the information received by General Whitelocke of the force of the enemy, and their means and disposition to resist, between the time of the junction of the main body with the advanced corps on the 3d, and the close of the 4th of July?

A. I believe there were some prisoners examined on the 4th; but I was not present at their examination, nor do I know what intelligence they gave.

Q. Who examined those prisoners?

A. I do not know.

Q. Was any, and what attempt made, during the period to which I have last referred, on the part of General Whitelocke, to reconnoitre the state of the bridge over the Chieulo, and the position of the enemy without the town?

A. I never heard that General Whitelocke gave any orders on the subject.

Q. Was the halt of the main body on the 2d, before they had secured the passage of the Chieulo?

A. I do not understand the question.

Q. Was the halt of the main body at the farm-houses, before they passed the Chieulo?

A. O yes; they passed the Chieulo on the 3d.

Q. Did General Whitelocke, in person, reconnoitre the approaches to the town, after his arrival at the Miserere, and before the close of the 4th of July?

A. I did not see him at any time making such a reconnoissance.

Q. Had you any, and what reason to know

whether he did or did not make such a reconnaissance?

A. I have stated that I did not see him, nor had I ever heard that he did.

Q. Having heard the charges against Lieutenant General Whitelocke read over yesterday—Have you such a recollection of them as to be able to state whether you have any additional information to give the Court respecting the subject of those charges, within the period ending with the close of the 4th of July?

A. I believe I have related every thing material within my knowledge.

Cross-examined by General Whitelocke.

Q. Was not every effort made at Monte Video to procure guides and intelligence as to the country; and was it possible to obtain any further assistance in that respect?

A. I believe every effort was made.

Q. Were all the transports, which could be procured, employed in the service, and every practicable means used to convey horses and stores for the use of the army?

A. All the transports in Monte Video were appropriated to the services of the army. After General Craufurd's arrival, there were some few that came with him which were not employed.

Q. How soon after General Craufurd's arrival did the expedition sail?

A. I think General Craufurd arrived at Monte Video on the 14th of June. The greater part of his force was ordered up to Colonia on the 15th; and on the 21st the General embarked himself for the expedition. The preparations had all been concluded some days before, but the wind was not fair for sailing.

Q. Are not mules more used than horses in drawing carriages in that country; and were you able to procure any quantity of mules?

A. They are more frequently used. We procured some; I cannot state whether we could have procured any more or not. I suppose we could.

Q. Do you recollect my directing a purchase to be made of a ship load of mules destined for the Cape of Good Hope?

A. I do.

Q. Do you recollect the difficulty of procuring grain for the horses, and the measures I took to procure it for present as well as future consumption?

A. I remember there was considerable difficulty.

Q. Were not the horses which we did procure wholly incapable of supporting any continued hard work; and did not many of them become almost useless during the march, even the first day, from Barragon.

A. I believe they were totally incapable of enduring much fatigue. I cannot speak with certainty of the state they were in after they reached the heights from Barragon.

Q. Was it practicable to have conveyed the camp equipage, or any greater quantity of provisions and stores, with our means, and with reference to the difficulty of crossing the morass and rivulets with marshy banks?

A. I believe it was not possible.

Q. Did we not look to the navy for the means of procuring further supplies, particularly when we arrived to the westward of the town?

A. I always understood that one of the objects in marching to the westward of the town was to open a communication with the navy.

Q. What additional supply of provisions was looked to on the march, and of what description, and how procured?

A. We procured some sheep and some bullocks on the march. I cannot tell what supplies the General expected to have found.

Q. Was it not known that bullocks and sheep might be found in crossing the country; and did we not find a sufficient supply of both?

A. It was expected that we should, and we did accordingly find a very sufficient supply of bullocks and sheep.

Q. Was it not understood that General Beresford had landed at Quilmes, after a continuance of dry weather, and had lost some of his guns; and was it not therefore supposed that the difficulties which he had to encounter would be increased?

A. I had heard that General Beresford had lost some of his artillery in the marsh near Quilmes, but I have never heard the state of the weather, either at the time or before.

Q. Have you never heard that it had not rained for some months before?

A. I do not recollect to have heard it.

Q. If the morass at Quilmes had been even as bad as that at Ensanada, could we have crossed it under the fire of the batteries you observed; or if we could have crossed it, must not such an attempt have been attended with very serious loss?

A. I never had any opportunity of examining the ground sufficiently close, to be able to answer that question with precision.

General Harris.—The latter part of that question is not answered as to the battery—You saw the battery?

A. Yes, I saw the battery from the river. I should suppose, that if the ground was very diffi-

cult to go over, they must have suffered very much from the battery; but I never had any opportunity of examining the ground.

General Whitelocke.—Did not your observations on Quilmes and the battery, when you went up the river, lead you to conclude and recommend that it would not be advisable to attempt a landing there?

A. It led me to prefer the Ensanada to Quilmes decidedly: that and other reasons I have stated.

Q. Were we not on the march continually passing marshy rivulets, and was not great fatigue and delay occasioned by their so frequently occurring?

A. There was.

Q. Were we able to procure any such accurate intelligence at Monte Video, as could have enabled us to form any detailed plan of operations, any other than that of establishing ourselves on the heights, close to the town, communicating with the fleet, and acting according to circumstances?

A. I have stated all the information that was received, as far as I know. I think, with regard to supplies upon the march, it might have been possible to have made some arrangements with the navy. I mean for receiving supplies at Reduction for instance.

General Whitelocke.—That is not an answer to my question.

Judge Advocate.—If I understand General Whitelocke correctly, the part of the question he conceives Colonel Bourke has not answered, is with respect to the practicability of having made any detailed arrangements in respect to the operations of his army, after the landing at the Ensanada, before the expedition left Monte Video.

Sir John Moore.—It strikes me that Colonel Bourke has answered the question put by General

Whitelocke, but not the question General Whitelocke means to put. The question, I understand, intended to be put, is, Whether it was possible, at Monte Video, to form a plan for the immediate attack of Buenos Ayres, not a plan of operations to conduct the army to Buenos Ayres.

Lieutenant Colonel Bourke.—I understand the question in that way, and can satisfactorily answer it.

Sir John Moore.—Will General Whitelocke state what question he wishes put?

General Whitelocke.—What I wish to ask is, whether, while we were at Monte Video, we could depend upon any information we received, sufficiently to form a plan of attack on Buenos Ayres. Had we any intelligence at Monte Video, on which reliance could have been placed, which would have enabled me to form any detailed plan for an attack upon the town of Buenos Ayres?

A. Certainly not. The measures which were intended to be pursued, appeared to me the only ones that could have been anticipated. I mean with regard to the attack upon the town.

Q. Could you, at Monte Video, or after you left it, or on the march, procure any such accurate intelligence of the country, or other circumstances, as could have enabled you, as Quarter Master General, to arrange the marches and places of halting, before you landed, or afterwards, prospectively?

A. Nothing further than making Reduction a second point of departure, from whence measures might be arranged for the passage of the Rio Chieulo and the march to the suburbs of Buenos Ayres, by actually reconnoitering the river.

Judge Advocate.—Colonel Bourke mentions a doubt he entertains, whether the answer to the last question exactly expressed what he meant to con-

vey by it. I apprehend the best mode would be to read over that answer to Colonel Bourke, and he will see whether the words, in which it is stated, do not precisely convey the meaning he intended.

The last question and answer were read.

Colonel Bourke—I mean to say, by actually reconnoitering the river, and not by any intelligence we had previously received from the people of the country.

Q. How many people of the country, in the whole of the march, until we reached the Corall, did we take: and what use were we able to make of them; and what use did we make of them as guides, or in procuring intelligence?

A. I believe, during the whole of the march, we did not receive any intelligence of the least importance. We took two persons at the Ensanada de Barragon, who marched with the army as far as Reduction. They knew nothing of the country from thence to Buenos Ayres, except by the high road over the bridge.

Q. Could the army have found places of halting, where fuel could have been procured for cooking the men's victuals, and for other purposes, but at the farm houses; were not those at considerable distances from each other; and were not the halts, in some measure, regulated by the situation of those farm houses?

A. I believe that fuel could only have been found at those farm houses; and that upon their situation, in a great degree, depended the movements of the army.

Q. Did not General Whitelocke, at the time he altered his determination as to the march, and had not he at other times expressed his apprehension of rains coming on at that period of the year, the winter, in that country, and his anxiety to get the

men, as soon as possible, under cover, in the western suburbs of the town, and so as to communicate with the fleet?

A. He did so express himself at that time, and frequently before.

Q. Had it not rained hard; and was it not raining at the time I sent for you, or called you, about two o'clock in the morning of the 2d of July?

A. It rained very hard at the time.

Q. Had not an old inhabitant, taken from Ensanada, informed me, on the 1st of July, that from appearances heavy rain would set in within four and twenty hours, and render the rivers impassable?

A. I remember to have heard him say so. The man's name was Duval, I think.

Q. Did I not, on my return from Reduction, on the morning of the 2d, immediately order the army under arms to march; and did I not shew great anxiety to march as soon as possible, and leave cattle, which were then coming up, for Sir Samuel Achmuty's brigade?

A. You did.

Q. Was there not a sheet of water, as well as marshy ground, between the two divisions of the army, at the time you saw General Gower's corps on the morning of the 2d?

A. I think I remember to have seen something of the kind; some streams, or something of the kind.

Q. Did not the guide endeavour to lead you rather more to the right, in consequence of your observations of General Gower's corps moving from you; and did he not fail in the attempt, on account of the marshy state of the ground; and were we not obliged, by those circumstances, to keep to the left?

A. I remember his having taken us too much

to the right, and that we moved afterwards to the left, to cross the Arroyo de Masiel.

General Whitelocke.—The question points to a particular circumstance.

Judge Advocate.—The question relates to a particular period, namely, when you saw the corps.

A. When we moved to the right, was immediately after we had seen Major General Gower's column, and that I had observed it to him.

General Whitelocke.—Why did you not go on to the right?

A. Because it was too marshy.

Q Did you lead the column with the guides on that day?

A. I did.

Q. Did not your ground, on the evening of the 2d, command an extensive view, particularly towards the Chieulo and Buenos Ayres?

A. It commanded a very extensive view; but I do not believe you could see the Rio Chieulo from thence.

Q. Were any other farm-houses in sight, from those at which we halted, and in the direction in which we were marching?

A. There was a single one about one mile farther in the direction of our march.

Q. What was the distance from the farm-houses at which the army halted on the 2d to the ford?

A. I believe about six miles.

Q. Would not the evening have closed in by the time we could have reached the ford?

A. I think it would.

Q. How long was the army in crossing the ford on the 3d?

A. Between three and four hours.

Q. Between three and four hours after you had actually discovered it?

A. Yes.

Q. Had you not some difficulty in finding the place of passing on the 3d, from the ignorance of the guide of its exact position?

A. There was some difficulty in finding a good place to pass, on account of the swoln state of the river; but not, I believe, through the ignorance of the guide.

Q. Was not the guide to the ford at which we passed, a negro, taken prisoner that morning?

A. No; the man who conducted us to the ford, was the same man who conducted us from Reduction.

General Whitelocke.—I was not sure whether you had not a negro.

Judge Advocate.—General Whitelocke has no more questions to put to Colonel Bourke.

Re-examined by the Judge Advocate.

Q. You have stated, in answer to some questions put to you by General Whitelocke, that the horses were wholly incapable of enduring much fatigue; I would ask you whether that was the general character of the horses of the country, or whether you merely apply that to those employed in the expedition?

A. I believe it to be the general character of the horses of the country, and perhaps, of all horses that are only fed upon grass.

Q. Are the mules of that country a more hardy race of animals?

A. I cannot exactly say; I saw very few of them.

Q. You have stated, that more provisions and stores could not, as you believe, have been car-

ried with the means; at what time during the march was there a total want of bread for the army?

A. I believe the last of the bread was delivered out on the evening of the 30th of June; but I have before said the delivery of provisions was not in my department.

Q. Were there any impediments in the way of landing such a quantity of bread and provisions, from the fleet, at Point Quilmes, as to supply the wants of the army in that respect?

A. I cannot exactly state the nature of the ground between Point Quilmes and Reduction, never having gone from one to the other.

Q. Do you not know that a communication was opened with the fleet, when at Point Quilmes, from Reduction?

A. I do.

Q. Do you not know that some provisions were landed from the fleet, at Point Quilmes, and conveyed for the use of the army at Reduction?

A. Not from my own knowledge; but I have heard that while Colonel Mahon remained at Reduction, he received supplies from the fleet.

Q. Might not a plan for the columns of the army have been made with tolerable precision after the troops had reached the heights above Barragon, namely, on the 29th of June?

A. I do not understand the question; for their movement to what place.

Judge Advocate.—The question arises in consequence of the answer Colonel Bourke made to a question put by General Whitelocke, namely, that previous to the troops sailing from Monte Video, there was not sufficient information, nor any means ascertained, by which it would have been possible to have established a plan of operations

for the expedition, after its landing at Ensanada. The question I have put arises from Colonel Bourke's answer to former questions, namely, whether after the army had reached the heights of Barragon, there was any reason why a plan of operations should not have been formed.

A Member.—Should it not be said, a plan for the march of the different columns?

Judge Advocate.—I mean with respect to their halts.

A. I should have thought the shortest and simplest way would have been, to have marched from the heights of Barragon to Reduction in one column only.

Q. Were any, and what measures, taken while the army was at Barragon and at Reduction, to render their movements independent of the farm-houses, by issuing provisions, and ordering the men to cook their meat, for their support in their subsequent marches?

A. I do not recollect any such order: it is understood that the army landed with three days provisions, which were cooked.

Q. Having stated in your answer to a question put by General Whitelocke, that the account which General Whitelocke gave you of the information he had received from an inhabitant of Ensanada was, that there would be rain within four and twenty hours, which would render the river impassable—Was that information given you on the 1st, before or after his telling you, as stated in your evidence yesterday, that he and some of his staff would proceed on the morning of the 1st to the advanced corps, from whence he would proceed, under an escort from General Craufurd's brigade, to reconnoitre and know the position which the enemy occupied on the banks

of the Rio Chieulo, and that the fords of the river were to be examined?

A. That information, I have stated, was given to General Whitelocke on the 1st, during the march to Reduction; it was after we had halted at Reduction the General communicated the information I have given.

Adjourned to to-morrow morning ten o'clock.

SEVENTH DAY.

FRIDAY, FEBRUARY 5, 1808.

Lieutenant Colonel BOURKE called in again.

Judge Advocate.—Why, then, after the opinion of the guide respecting the weather, did the main body of the army halt on the 2d of July, before it had secured the passage of the Chieulo, having, at the time of halt, marched only seven miles?

A. I have already stated every thing I know upon that subject.

Q. In answer to a question put by General Whitelocke yesserday, which question was this:

The Judge Advocate read, beginning “Did not the guide endeavour to lead you,” *ending* “because it was too marshy.”

Q. What consideration induced General Whitelocke, on the morning of the 2d, to deviate from the line of march, pursued the previous day by the advanced corps, from Reduction, and from the line on which General Gower was actually marching on the 2d, towards the Chieulo?

A. I have already stated every thing I know upon that subject.

Q. Having stated, in answer to a question put by General Whitelocke, that the passage of the Chieulo was not performed by the division under General Whitelocke's orders, in less time than three hours—Had the General information, when he halted, at the time you have described, which

might lead him to conclude that this operation would require the time mentioned?

A. I do not know that he had.

Q. Having stated, in answer to a question put by General Whitelocke, that your ground on the evening of the 2d, commanded an extensive view of the country towards the Chieulo, were any measures taken on the evening of the 2d, to secure the passage of the river the next day?

A. I believe not.

Judge Advocate—I beg to acquaint the Court I have concluded the questions I think it necessary to put in re-examination.

Examined by the Court.

General Dundas.—I have one question to put. I will submit it to the Court, if it is not necessary I will withdraw it, whether there was any report made from the commanding officer of the rear division, to General Whitelocke, at the head of it, which made it necessary to halt on the 2d of July.

Judge Advocate—That question, certainly, has not yet been put.

A. I never heard of any, excepting a conversation with Sir Samuel Achmuty, which I have already stated.

A Member.—Did General Whitelocke mention to you, at any time, before or after he altered his line of march from that of Major General Gower on the 2d, his reason for altering it?

A. I have already stated the substance of the information that I had received from the guides, previously to the main body marching from Reduction; and I am to suppose that it was upon that information that General Whitelocke acted.

General Harris.—Did he mention to you, before or after he altered his march, his reasons for it?

A. We had some conversation on the subject before we left Reduction, but I do not precisely remember what it was. It appeared to me that his march was directed in consequence of information we received from the guides.

Sir John Moore.—Did the army, after its debarkation, and on its march, meet with difficulties, which, from the information you had at Monte Video, might not have been foreseen and obviated so as to enable the army to arrive within a short distance of the river, on the second day after its departure from the heights above Ensanada?

A. I cannot exactly state what expectations may have been formed, but there did not appear to me any local difficulties on the march, which should have prevented the army reaching Reduction the second day. I conceive it might have marched to Reduction, or four or five miles further than Reduction.

Sir John Moore.—My question is this, whether from the information which existed at Monte Video, measures might not have been taken so as to have enabled the army to reach within three or four miles of the river, on the second day after its departure from the heights, so that within that distance it would have enabled the commander of the forces to reconnoitre the river that day, or the next morning?

Colonel Bourke.—I will withdraw the answer I have given, and give another.

General Whitelocke.—I have no objection.

A. I perceived no objections on the march, which could have prevented the army marching within a few miles of the Rio Chieulo, on the second day, from quitting the heights above the Ensanada de Barragon.

Q. You have said that the commander of the

forces called you at two o'clock on the morning of the 2d of July, it was then raining, and he told you he had changed his mind, that he was anxious to get the army under cover, which was only to be procured in the suburbs of Buenos Ayres; and he therefore directed you to go at day-light to General Gower, and order him to advance across the river, and lodge his corps in the suburbs—Do you, as the Quarter Master General of that army, know why the same anxiety did not induce the commander of the forces to march himself, with the main body of the army, at day-light, and proceed by the same route, by which he had ordered the march of the advanced corps; or can you state why the march was delayed until ten o'clock; and why it then proceeded in a different direction?

A. In answer to the two first questions I cannot state his reasons; with regard to the third, I have before said, that I believe he acted on the information received from the guides.

Q. In consequence of that information, did he stop or alter the march of the advanced corps?

A. The information which he received was subsequent to the orders given to the advanced corps; and after he had marched from Reduction, I believe there was no communication whatever between the two corps.

General Norton.—That does not appear precisely an answer to the question.

Sir John Moore.—It appears from Colonel Bourke's answer, that there was no information given by any people but those who were in the possession of the army the evening before. Whether the guides with the advanced corps, and those with the main body of the army, had been confronted or examined, so as to regulate the order, to know by what route the two bodies should move, is another question; the answer is perfectly com-

plete to the question. Colonel Bourke says that the information was obtained after the orders had been sent to remove the advanced corps; and that after the march of the main body of the army did commence, no communication between the corps took place—that is a complete answer. They might have sent after that to stop the corps.

General Norton.—Then I should wish to ask one question upon that; did you represent to General Whitelocke that marching in the direction the guide pointed out, would preclude his giving assistance to General Gower?

A. I did not make any such representation, because I did not believe it would have been the case.

Sir John Moore.—You have said that no information was obtained from any of the inhabitants; that you were ignorant of the enemy's force and position, and the situation of the fords, or whether the bridge still existed,—Was any attempt ever made to reconnoitre the river, or to ascertain those points, and the means which the enemy had collected to oppose the passage of the army?

A. I believe no attempt whatever.

Q. Was your information such as to lead you to suppose that the passage of the river, and obtaining a lodgment in the suburbs of Buenos Ayres, were operations of so little difficulty as to be easily and safely performed by the advanced corps, without the aid, and in the absence of the main body of the army?

A. I do not think that our information could possibly have authorized such a conclusion.

Q. Do you recollect at what period it was discovered that the bridge over the river still existed, and were any orders then sent to Colonel Mahon to advance by that route?

A. I do not remember to have heard that the

existence of the bridge was at any time ascertained, previously to the orders sent to Colonel Mahon.

Q. The order was sent to him to pass that way, was it not ?

A. To post himself near the bridge. I cannot say exactly whether to pass it.

Lord Lake.—Had the enemy made a vigorous resistance at the Chico pass, or had he made any attack, with a large force, upon the advanced corps, under the command of Major General Gower, could Lieutenant General Whitelocke, with the main body of the army, have given a necessary and prompt support for the safety of that corps ?

A. I do not believe he could.

Q. Was any officer of the staff sent out by General Whitelocke or Major General Gower ; and did any one of the staff of the army, besides yourself, go out on the 4th of July, to reconnoitre the approaches to the town of Buenos Ayres, which was to be attacked at six o'clock on the morning of the 5th ?

A. I never heard of any one but myself.

General Harris.—I do not understand that Colonel Bourke was ordered.

A. I have before stated that I was not ordered.

General Norton.—Had the bridge not been burnt, as it was supposed to be, and General Whitelocke could have crossed the Chieulo at that part, was that place the best calculated for the purposes of the army to pass the river ?

A. I believe it was.

Q. I rather believe, but to be certain I would ask the question, but I rather think you stated that there were six pontoons and their carriages embarked with the army. I will just ask that

question—were there not six pontoons and their carriages embarked with the army?

A. There were.

Judge Advocate—I am directed to ask, were the pontoons landed?

A. They were not.

Q. Why were they not landed?

A. I cannot state. I believe, because they were not intended to be made use of between Ensanada and Reduction.

Q. For what purpose were they embarked?

A. I believe for the purpose of making a bridge over the Rio Chieulo.

Q. What was the distance of the bridge from the suburbs of Buenos Ayres?

A. About two miles and a half.

Q. Why were not the pontoons made use of to cross the river Chieulo, for which purpose they were embarked?

A. I suppose because General Whitelocke determined to pass the river at the ford.

Lord Cathcart.—I wish the witness to be asked with reference to the 2d of July, whether, on that day, the main body saw or fell in with any parties of the enemy, and of what description?

A. I believe they neither saw nor fell in with any.

Q. When the army came to the ground, where they halted at the farm houses on that day, did you see the regiments come up to their ground?

A. I did.

Q. Was there a long rear?

A. There was not; the troops appeared fresh and in good order.

Q. Do you know what precautions were taken

for the security of the army, what picquets were put out ?

A. I cannot exactly state the number of men on the advanced posts; but going round about four o'clock in the afternoon, I saw the left had not been covered in the way in which I supposed it ought to have been. In consequence of this observation, a reinforcement was sent to the left, and the advanced posts then appeared to me to be such as the situation required.

Q. Were instructions given to the picquets to attend to any firing, particularly those towards the Chieulo; and was that circumstance, or were any other extraordinaries reported by the picquets?

A. I do not remember that such instructions were given, nor were any extraordinaries reported that night.

Q. I understood, in the course of the cross-examination, that a black man had been taken on the morning of the 3d, and afterwards marched with the main body—Do you know any circumstances relating to the capture of that man?

A. He related that Major General Gower had passed the river on the evening before, and defeated the Spaniards; that, I believe, was the sum of his information.

Q. Do you know any thing relative to the circumstances of his capture?

A. He was made prisoner upon the heights just before we descended to the Rio Chieulo.

Judge Advocate.—The court having concluded their examination of Colonel Bourke, I have taken the liberty of suggesting to the President a question which appeared to me extremely material, as arising out of the examination of Lieutenant Colonel Bourke, and if the Court will indulge me I will put that question.

General Loftus.—I have one question. I believe

that the witness has stated, that upon his return from General Gower, after delivering him a letter, which he was sent with by General Whitelocke, he met General Whitelocke—I wish to know whether he reported to General Whitelocke that he had been called upon by General Gower, to write down the terms that he was to offer to Buenos Ayres: I think it does not appear upon the minutes of the proceedings, and it is material that it should appear.

Judge Advocate.—On your return from the quarters of the advanced corps, did you report to General Whitelocke that you had been desired by Major General Gower to write down the terms which General Whitelocke had directed you to inform him he was to offer to the Spanish commander?

A. I really do not remember.

General Harris.—I would wish to ask, what was the distance of the march of the main body on the 3d, from the place where they halted, to the suburbs of Buenos Ayres?

A. I think about nine miles altogether.

Lord Lake.—When the firing was heard on the 2d, were any measures taken by Lieutenant General Whitelocke to inform himself where it was, or to ascertain the situation at that time of the advanced corps?

A. I never heard of any.

Judge Advocate.—If the main body had marched early on the morning of the 2d, might they not have reached the suburbs of Buenos Ayres the same day?

Sir John Moore.—Does the question mean, if they had marched by the route by which they did march?

Judge Advocate.—I should have left it to Lieuten-

nant Colonel Bourke to answer it in the way he thought proper, whether they had marched by the way they did, or had followed Major General Gower across the ford?

A. The distance was only sixteen miles altogether; by the road we took there could have been no difficulty in marching from Reduction by the route we pursued, and reaching the suburbs of Buenos Ayres the same day.

Sir John Moore.—Sixteen miles the circuitous route, and nine miles the shortest way?

A. Yes.

Judge Advocate.—Were the guides belonging to the different divisions of the army confronted at any time, and if so, when, to ascertain whether they agreed in their accounts of the country, from the heights to Buenos Ayres, and the different passes of the river, in order that the two divisions might not deviate from the same line of march?

A. They never were. I believe I should further state, that at the time Major General Gower's corps marched, it was not known that the main body was to march also. When I took the order to Major General Gower, I did not know that the main body of the army was to march that day.

The Witness withdrew.

Brigadier General CRAUFURD sworn.

Examined by the Judge Advocate.

The substance of the Charges was read over.

Q. What station had you in the expedition under the command of Lieutenant General White-locke against Buenos Ayres?

A. I commanded the light brigade, which formed the advanced guard of the army. There is one thing I should state with respect to the bri-

gade, because it differed with respect to its strength at different times.

Judge Advocate.—In order that General Craufurd might understand with as much accuracy as possible, the particular points to which his evidence will be thought material, I would beg to read a paper, in which I have put down those particulars which General Craufurd will be so good as to refer to, whenever he thinks fit. The subjects to which I must beg you will give whatever information you possess to the Court, are these; I would wish you to begin your narrative from the time you came under Lieutenant General Whitelocke's command, and continue it up to the night of the 4th of July; to state the circumstances of the particular corps under your orders, its strength, and state of equipment for service; to describe the occurrences and difficulties of the route you took; the face of the country from the place of landing to the heights occupied by the advanced corps on the night of the 28th of June; to pursue through their different day's marches the state of the country, and the difficulties, if any, to your advance; also whether any and what appearances of hostility manifested themselves from a regular force, or the armed peasantry; whether the habitations were, or not, deserted; what prisoners were taken; what intelligence was obtained of the enemy's preparations and plan of operations, particularly with respect to the defence of the bridge and the different passes of the Chieulo; what reconnoitring parties were made previous to the arrival of the main corps; why the bridge was not attempted; the circumstances of the pass of the Chico ford; of the subsequent proceedings of the attack and defeat of the enemy on the 2d of July; the state of the advanced corps previous to and after the action, with reference to the necessity of support, had the conflict appeared severe or unsuccessful; also the occur-

rences of the 3d and 4th of July; whether any measures were taken on those days to insure success to the measures proposed the next day, by the bringing up artillery or troops, opening communications between the different corps of the army; the intelligence of the enemy's preparations; the efficiency of the troops forming the advanced corps; whether they were selected from those best calculated for that service; and whether they were duly supplied with provisions, ammunition, and every other equipment for service, as far as circumstances would permit.

A. The first in point of date of the circumstances which, according to my judgment, it may be material to mention to the Court, I will just briefly state what the tendency of it is, and the Court will judge whether it is material to state it. It is a conversation I had with General Whitelocke, the day after I arrived, which proves that the General did not then intend to attack Buenos Ayres in the way he afterwards did attack it. That is the first in point of date—the Court will judge whether it is proper for me to state it.

Judge Advocate.—There can be no doubt of the propriety of stating it.

A. The day after I arrived at Monte Vide the General proposed to me to walk round the works with him, and in returning through the town, he desired me to notice the peculiar construction of the houses; their flat roofs, surrounded by parapet walls, and other circumstances which, as he observed, rendered them peculiarly favourable for defence; and added, that he certainly would not expose his troops to so unequal a contest as that in which they would be engaged, if led into so large a town as Buenos Ayres, all the inhabitants of which were prepared for its defence, and the houses of which were similarly constructed to those which he then pointed out to

me. In the obvious propriety of the General's intentions I most heartily acquiesced. I would beg to ask the directions of the Court; as the charges are stated, the circumstances are not taken in the order of date, for instance, the second relates to the conduct of the march; the first, to the circumstances after the march: I suppose it will be better to proceed in the order of time.

Judge Advocate—Certainly; but I would suggest, that the first clause of the first charge relates to any thing which passed at Monte Video.

Sir John Moore—It does in the charges themselves, but not in the abstract which was read.

General Craufurd—I am sorry to take up the time of the Court, but I thought it proper to understand; I thought that the first paragraph related to the time after we came near Buenos Ayres, "that when the Governor of Buenos Ayres had shewn a disposition to treat," and so on.

Judge Advocate—General Craufurd is perfectly correct; that first part is left out in the abstract; the first paragraph of the first charge, in fact, does include all that passed previously to the landing at Ensanada: perhaps it will be satisfactory to General Craufurd, if the first charge was read.

General Craufurd—It would be more satisfactory to me to proceed in my narrative of the facts which came within my knowledge. The brigade, which General Whitelocke placed under my command, consisted, according to the original disposition, of eight companies of light infantry, a detachment of about 70 recruits of the 71st regiment, and eight companies of the rifle corps of the 95th; but, from the day of our landing until the junction of the two divisions of the army before Buenos Ayres, four companies of the 95th

were taken away from my brigade, and attached to that division of the army which was led by the commander-in-chief in person. With respect to the equipment of the brigade, it certainly was deficient in some very material articles: in the first place we had no Lasso men. I do not know whether the Court understand what I mean by that: there are a great many bullocks, not wild, which are very easily caught by the people of that country, who are extremely dextrous in catching them, by throwing a noose with a leather thong. Every person in the country, I saw, seemed able to do this. It appeared to me a very extraordinary oversight, I must say so, as I am upon my oath, not to have attached to each division of the army a certain number of those people, so as to get what is very plentiful in that country—beef: that, at the end of each march, we should have caught a sufficient number of those bullocks, which are sufficiently tame to be taken in that way, though not in any other, if we had had those men with us; I tried to shoot them, but did not succeed:—that we had no means of catching the cattle by which we were surrounded in great abundance. What I am going to say, I do not give as part of my evidence, but I consider it my duty, according to my oath, to explain every thing required by this paper; that is my reason for stating it. It is an extremely disagreeable thing for an officer to be brought forward to censure the proceedings of his commanding officer, but that is my duty, and I must do it. Another very material deficiency in the equipment of the troops, and for which there did not appear to me to be any sufficient reason was, that the camp kettles were left behind, in consequence of which I give it as my opinion (General Whitelocke will perhaps prove that I am wrong in my opinion), although we found abundance of wheat in the farm-houses, which, if boiled, would have been an

excellent substitute for the bread, that was not liberally supplied to the army, yet we had no means of making use of it. Another circumstance very important, and which was rather, I think, owing to the want of proper subsequent arrangement, than deficiency in the original equipment, was, that shortly after the troops landed with bread only for three days, viz. the 28th, 29th, and 30th, there was no further issue of bread until the day of the 3d, when we fortunately found a considerable quantity in one of the houses behind the position we took up on the evening of the 2d. I have stated that I think this might have been avoided by other arrangements; if the Court think it necessary I should state what those arrangements were, I will state them in a few words—the not having halted in the position of Reduction, where we had a communication with the fleet, and where provisions were landed in the neighbourhood at Quilmes. If it is said, that more than three days could not have been transported on the march, I say that that might have been supplied by the army halting at Reduction, near to which we had a communication with the fleet. The want which the troops suffered might, in my opinion, have been avoided by halting at Reduction, from whence we might easily have communicated with the fleet at the point of Quilmes. It also appeared to me, that, considering that a great part of the army, I mean the detachment which had been under my command, had been so many months embarked, it was very essential that, at least in the first period of their operations on shore, they should have been allowed the ratio of spirits to which they had been accustomed, and which appeared to me very essential to their due performance of the march.

Judge Advocate—Will you now specify the names of the different corps under your command. You have already stated the different corps under

your command upon the expedition, but you are now speaking of the corps which were under your command during the voyage; it is not yet ascertained whether those corps were the same which were under your command during the expedition.

A. I mean the corps which formed the detachment under my command during the voyage from England, namely, two squadrons of the 6th dragoon guards, the 5th, 35th, 45th, and 88th regiments, five companies of the 95th: there were two companies of artillery, but I believe they were left at Monte Video. That is all I have to say with respect to the equipment. I shall now proceed to describe the occurrences on the march.

Sir John Moore—I do not believe it was intended to confine General Craufurd, or any of the witnesses, to that paper; he may deviate from it, or add to it.

Judge Advocate—The only object of putting that paper into Major General Craufurd's hands, was not to confine him to any order or arrangement, but only that he might understand with more accuracy what were the points on which the Court would hope for all the information in General Craufurd's power to give.

A. With respect to the landing, there was no enemy there; there was therefore no material occurrence; we landed without the appearance of an enemy on the morning of the 28th. I suppose it is not necessary I should enter minutely into the details of the march, which, from the time of our landing to our reaching Reduction was destitute of any interesting event: the distance I cannot possibly state, at least my statement would be so vague, that it is not to be depended on. As to the enemy, I saw none—there were none, but some very contemptible parties of men. We landed in a situation which appeared to me, in

many respects, very well chosen for the purpose. After crossing a broad swamp, which extends for a considerable distance beyond the banks of the river—I beg pardon for interrupting my narrative so often, but I have said, that it appeared to me a situation very well chosen; there are some circumstances attending it which I should perhaps describe, which would make it appear to the Court perhaps a very disadvantageous place for landing. I have heard it said, that that was one of the instances of mismanagement in the conduct of the army, but I declare, upon my oath, that, from all that came to my knowledge, it was the best place for the landing of the army.

Judge Advocate—It may save time in putting questions, if the evidence of General Craufurd is put down in the way he states it; that he conceives that the Ensanada was on the whole the best place for landing. It certainly is an answer to a question I should have put.

General Craufurd—Then I will add, and which upon the whole was, I believe, the best place which could have been chosen for the purpose. After crossing the swamp, which extended a considerable distance beyond the banks of the river, my brigade took a position upon the heights; some other regiments formed upon our left, but I am not very sure which they were, I believe the 5th and 38th foot. On the 29th we marched off by our right upon the road or track leading towards Buenos Ayres by the way of Reduction.

Judge Advocate—I believe it will save time, if I take this opportunity of observing to Brigadier General Craufurd, that he will mention as he proceeds the different periods at which he received any orders from General Whitelocke, and the contents of those orders.

A. I never received any orders from Lieutenant

General Whitelocke. I received my orders from Major General Gower. We proceeded by way of Reduction, at about a mile and a half distance, in front of which village we took our position on the evening of the 1st of July.

Judge Advocate—I must alter the observation I have made: understanding that General Craufurd did not receive any orders from Lieutenant General Whitelocke, I must beg him to mention, from the landing at Ensanada, the periods at which he received any orders from Major General Gower.

A. I do not remember any occurrence of consequence, and of course no orders. From the time of our taking up our position at Barragon till our arrival at Buenos Ayres, from the 29th of June until the junction of the two divisions before Buenos Ayres on the 3d of July, my brigade, with the exception of the four companies I have before mentioned to have been detached from it, and General Lumley's brigade, consisting of the 36th and 88th regiments, formed the corps under the immediate command of Major General Gower. General Lumley's brigade, from the heights of Barragon to the position of Reduction, was always at the distance of, I believe, about four or five miles in the rear of mine. The Court will understand, that I do not undertake to speak accurately as to distances. The Court will recollect, as to the distance General Lumley was in the rear of me, (that I may not be found to have spoken inaccurately as to the distance), that I could not see where General Lumley was; but from the accounts I received of where he halted at night, I conceived it must be about that. I understood from General Gower, that this arrangement was adopted for the purpose of facilitating the procuring of wood for the troops to make fires at night, which in that country is extremely

scarce, and only to be found in the neighbourhood of a few farm-houses, which they call Estancias.

General Dundas—Are we to understand that you encamped at greater distances from each other than is usual?

A. I understood that the distance at which we encamped from each other would have been very imprudent, if we had been exposed to an army superior to our own. My brigade consisted of 13 companies; I was always perfectly unconnected with any other brigade on the march, so as not to have received support from them, if there had been necessity. The whole of the march of my brigade was observed by small parties of irregular horse, armed with long musquets, who occasionally exchanged a few shots with the rifle corps; but, until our arrival at Reduction, nothing occurred, either of opposition from the enemy, or difficulties of any other sort in the march, which it appears, to me, to be at all material to relate. The country is perfectly open, and, although the route was very frequently intersected by small streams running through boggy bottoms, yet, until we had passed Reduction, they were none of them such as to form any considerable impediment. The greatest embarrassment which I, in conducting the advanced guard, experienced (the only one indeed), proceeded from the want of a good guide; the inhabitants, all but one, a Mr. Duval, having left their dwellings. As we approached Reduction, we saw much more considerable bodies of horsemen than we had before observed, but still they appeared to have no other design than that of reconnoitring our march. On the evening of the 1st of July, my brigade took a position on the extremity of the high ground, at about one mile and a half nearer to Buenos Ayres than the village of Reduction, just at the commencement of the low marshy flat, through

which ran the rivers Masiel and Chieulo, from whence we saw plainly the appearances of an army behind the Chieulo. When I say plainly, I do not mean that we saw the men, but that we saw their fires, and so on. We also observed a fire, which Lieutenant Colonel Pack, who at this time commanded the light battalion, and had formerly commanded the 71st in Buenos Ayres, informed me was, as he believed, in the direction of the bridge. General Lumley's brigade took a position about three quarters of a mile in the rear of mine. I was informed, that General Whitelocke's division formed that evening in the front of Reduction, but I did not see it; therefore, perhaps, it is not correct evidence. Early on the morning of the 2d, I received an order from General Gower, who had passed the night with General Lumley's brigade, to be in readiness to march at nine o'clock. Before nine, General Gower came to me, and I had a good deal of conversation with him with respect to the object and direction of the march. I understood from him, that, in consequence of the information received, that the enemy had constructed considerable batteries for the defence of their position on the lower Chieulo, in the neighbourhood of the bridge, it was determined to turn that position by passing the river higher up; but I think it material to state, that the Major General, at this time, certainly had not settled with the commander-in-chief, or determined in his own mind, whether we were to attempt the passage at the ford, called the Passo Chico, which we did in fact cross, or at one which was said to exist about a league higher up the river. We saw the enemy's army on the opposite side of the river, and after we had marched, I believe, between two and three hours, but I cannot speak positively as to the time, General Gower and I distinctly saw General Whitelocke's division in march, and from

every consideration both of general reasoning and some particular circumstances, I was certainly, during the whole of that day, impressed with a belief that they were following us. Some time after this, I believe it was, that General Gower shewed me a letter: I am not very sure whether it was before or after, but that is perfectly immaterial: he shewed me a letter, written to him by the commander-in-chief; by which letter, to the best of my recollection, General Gower was fully authorised (indeed I can swear positively) to cross the river, and establish himself in, or in the vicinity of, the suburbs of the town, which, it was clear to me, from the position of the two armies (the enemy's army and ours), could not be effected without an action. It was some time after this, before I understood from General Gower, that he had determined to pass at the Passo Chico; the direction in which we had till then been marching would, as we supposed, have served equally well for either pass. After we had passed the river Masiel, we saw, at about the distance of a cannon-shot, in our front a body of, I should think, 500 horse; they attempted nothing, and from the direction in which they afterwards went off, I should suppose that they crossed the river. At length we arrived at the track which went off obliquely to our right, and which the guides said was the road to the Passo Chico. General Gower then determined to take that direction, and ordered me to proceed with my brigade as fast as I could to the pass of Chico, and either to force it, or to establish myself as near to it as I could. We had considerable difficulty in finding the pass, but when we arrived there, there was no appearance of an enemy in its neighbourhood. By the time my brigade had passed, General Gower arrived, at the head of General Lumley's brigade. About this time Major Travers, who commanded the four companies of the 95th,

pointed out to me a column which appeared to me to be a considerable part of the enemy's army, marching as if with an intention of taking a position on the heights opposite to the ford, but to effect which, they were then evidently too late. I sent an officer to report this to General Gower, and to request his permission to move on and occupy the heights, which are about three quarters of a mile from the ford. The answer which I received was, that I might go on and act according to circumstances, and that he would support me with General Lumley's brigade. We gained the heights without any opposition, and from the general appearance of things it was then evident to me, that the enemy was then in a state and condition which it was very material to take advantage of. After gaining the heights, I took the first road to my right, on the high ground, which my guide pointed out as leading to the town, and to the position which the enemy were then obliged to take up to cover it. As we proceeded, there were increased appearances of the enemy having been disconcerted by our movement. During the march I twice received orders by an officer from General Gower to halt. I cannot say positively whether the intention of that order was merely to give time for General Lumley's brigade to come up, or to take a position for the evening, but as the day was so far advanced, and the state of operations appeared to me so critical, I took upon myself to send a report to the Major General of what I had observed, and to state it as my opinion, that it would be very desirable to proceed. A very short time before we arrived at Mr. White's house, the Major General came to the head of my brigade. Before we arrived at Mr. White's the road had turned to the left, so that at the time of our arrival at Mr. White's house, we were marching nearly parallel to the position in which we afterwards discovered the enemy, who were

then on our right flank. The ground was so extremely intricate and covered with peach orchards and high fences, that although the enemy at this time were very near us, we certainly had not discovered them. The first indication which we had of their presence was a shot fired from a gun, at a distance of about six hundred yards. Just as General Gower and myself, with some of the staff officers, appeared upon the great road, in which that upon which the column were then standing terminates, and which road leads into the town by the slaughtering place, called the Corall, which is an open place on which the enemy's guns were then placed. As soon as this gun was fired, General Gower said something to me, I believe the exact words were, "we must turn their right and left flanks;" I understood this as an order to attack the enemy, which I immediately obeyed. The enemy's fire, for a very short time, appeared to be that of rather a considerable body of infantry; but the light infantry, the 95th, advanced so rapidly, that they very soon gave way, almost as soon as we came up close to them, leaving behind them twelve pieces of artillery. I pursued them about three quarters of a mile, I think, beyond the position on which they had been formed, in short, nearly up to the commencement of the town; and whilst I was forming the brigade, which, from the nature of the ground and the suddenness of the action, had got, no doubt, into some disorder, it grew dusk. Whilst thus employed, I received by an officer, I think Captain Squire of the engineers, an order from General Gower to fall back to the slaughtering place, the Corall, where he then was. It certainly at that moment appeared to me, that it would have been adviseable to follow the enemy into the town, and I desired the officer who brought me the order to fall back to request that the General would allow me to do so; and I trust

the Court will allow me to say, that from all I have heard since, I am convinced that if the main division of the army under General Whitelocke had been as near as I thought they might have been, we certainly should have taken the town with ease. I have very strong doubts whether we might not have taken it with General Gower's corps; I think we should. I do not mean to call in question the propriety of General Gower's direction not to do so under the circumstances. In answer to this message I received a second and peremptory order to fall back to the Corral; the General stating at the same time, that our wounded, which did not exceed six officers, and about four or five and thirty men, were exposed to be cut off by straggling parties of the enemy, who were still hovering about the ground. Just before the time, I think it was, that I began to retire, I discovered that General Lumley's brigade had arrived immediately on my right; we left the grenadier company of the 36th, and three companies of my brigade, upon the ground from which we had retired, and upon which the line of our advanced posts was afterwards formed. During the greater part of the 3d of July, there was some firing between our picquets and the enemy, and I think it was, but I do not speak very positively as to the hour, about three o'clock in the afternoon, General Whitelocke came up with that part of the army he had conducted in person. There is one thing which I have omitted in the course of my narrative; I understand that there is considerable doubt whether the two divisions passed at the same ford. If the Court think it material to clear up that doubt, perhaps it would be proper for the evidences to state as well as they can, the distance from which each passed to the town. I think we were, from the time we passed the pass of Chico, till the time we came to Mr. White's house, little more than an hour; others are

of a different opinion; that may be proved by persons who made more accurate observations than I did. I think that we began to march from the pass of Chico at three o'clock, and that it was just about four o'clock that the firing commenced.

A Member—How high was the water where you passed?

A. Major Travers was the tallest man I saw in it; it was about as high (above his middle), it would have taken me to about here (the breast); there was no difficulty whatever in passing it; the men passed with great ease; the bottom of it was sound: they were obliged, of course, to take care of their cartridges, and so on, in passing. Early on the morning of the 3d, General Gower sent Brigade Major Roche with a flag of truce into the town, with a verbal summons, as the Major General informed me after Major Roche's return, in consequence, as I understand, of a desire expressed by General Liniers, that whatever proposal the Major General had to make might be made in writing. Brigade Major Roche was sent back with a letter containing a proposal of certain terms, which letter Major General Gower shewed me before he sent it: he did not ask my opinion as to the contents, nor did I know at the time, nor do I now indeed, that it was written in consequence of any particular instructions (I mean as to the terms) from General Whitelocke. I have said before, that he was authorized in the letter I saw to summon them; that I did not there observe any particular instructions as to the terms: the only observation I took the liberty of making upon the letter was, that as General Liniers was accused by us of having broken a convention which he had made with General Beresford, it did appear to me to be material in making any such proposal as that contained in the letter to him, to say something which might remove any apprehensions which

he might entertain with respect to the manner in which, if he fell into our hands, he might be treated by us. When Brigade Major Roche returned from delivering this letter, General Gower informed me General Liniers' answer was expressly a determination to defend the town. The second answer, to the best of my recollection, was about noon. I think about nine o'clock in the morning of the 4th, but I cannot speak positively as to the hour, I went, in obedience to the orders I had received, to General Whitelocke's quarters, for the purpose of receiving instructions with respect to the attack of the town, which he had then determined to make at twelve o'clock that day. After I had read the disposition, General Whitelocke took me aside in the court-yard, and said that he felt so much reluctance at adopting a measure which must necessarily be attended with so great an effusion of blood, that he had determined to send another summons to General Liniers. He shewed me the letter; and certainly upon that occasion he did ask my opinion as to the propriety of sending it. I told him, that in my opinion he had better not send it; that the determination expressed in their answer to the first summons, and the whole of their conduct since, induced me to believe that the letter would produce no good effect, and that they would rather consider it as a proof of want of confidence on our part. This was the exact substance of the conversation, which terminated by the commander in chief expressing his resolution to send Captain Whittingham with this letter. The disposition was afterwards read and explained upon the plan, to the officers commanding brigades. To the best of my recollection, there was nobody in the room but them, Major General Gower, and Lieutenant Colonel Pack, who was well acquainted with the town; that was the reason, I suppose, of his being present. There were two rooms adjoin-

ing; the first part of the conversation was in Lieutenant General Whitelocke's room, and there were a great many officers in the adjoining room. At the subsequent conversation, I am sure nobody else was present. The order I have before stated was for the attack to commence at twelve o'clock that day, and the time when the conversation which I am about to relate took place was, I believe, about half an hour after ten. I am not very sure, I know it was so near to the time of the attack, that it did appear, no preparations having been made before, there was not quite time enough between the time of the conversation taking place and the time fixed for the attack. For my own part, I did not give any opinion upon the subject: I did not, from any thing that passed, consider that myself, or the other brigadiers, were called there to give our opinions upon the propriety of the disposition, but for the purpose of being made acquainted with the details of it. Sir Samuel Achmuty, I think—either Sir Samuel Achmuty or Colonel Pack, but I think Sir Samuel Achmuty—suggested, that a little before day-break in the morning would be a better time than noon for advancing into the town; and after some consultation, the commander-in-chief determined to defer the attack until the morning of the 5th. Whilst we were in this room, a Mr. White, who had resided a considerable time at Buenos Ayres, gave us, (I suppose I may say us,—he described to me in General Whitelocke's inner room) information, which afterwards was proved to be extremely correct, respecting the dispositions and defensive arrangements which the enemy had made in the town since the evening of the 2d. A part of the order of attack was, that the columns were to be provided with implements for breaking open houses; but I really believe that it was impossible for those in whose department it was to obey this order effectually: I do not think that a sufficiency

of those sort of things could be procured. The firing at the picquets continued the greater part of the day: during one part of the day, the line was ordered under arms, and a sort of disposition made, under an idea that, by allowing the picquets to retire before the enemy, the latter might be tempted to follow them far enough to give us an opportunity of engaging them out of the town. There is one thing I do not know whether I ought to state or not: at one time I received a verbal order, and immediately after my opinion was asked whether we had not better advance on the enemy then. General Gower rode up to me, and said, he thought we had better drive them into the town. I said, as on consultation it had been fixed to make the attack the next morning, I did not see any reason to alter it, from any thing which had taken place. I will state it, if it is wished. Whilst the line was under arms, General Gower rode up to me, and said that—

Judge Advocate—If this was any thing in the nature of an order coming through General Gower from the commander-in-chief, unquestionably it is evidence; but if it is merely a conversation between Brigadier General Craufurd and Major General Gower, not appearing in any way to proceed from General Whitelocke, I do not apprehend it is evidence which ought to be received.

General Craufurd—I began by stating, that I did not know whether it was evidence or not. I do not like myself to draw the line between what is material and what is not, and therefore the rule I have observed, in conformity to the oath I have taken, is to mention any thing which occurs to me. The Court will stop me whenever they see that I am stating that which is not material. I did not understand it at the time to be an official order from the commander-in-chief through General Gower, so much as a thing proceeding from Ge-

neral Gower himself: the commander-in-chief was two or three hundred yards from us, but it did appear rather to be the idea of General Gower.

Judge Advocate—If it was a conversation on the subject of the attack, though not between you and General Whitelocke, but if it was in the presence and hearing of General Whitelocke, unquestionably it is evidence.

A. No, it was not in the hearing of General Whitelocke; every thing that came from General Gower to me I considered as an order, but this appeared to me to be rather the idea of General Gower than an order from the commander-in-chief.

Judge Advocate—Then it must be struck out of the minutes.

General Craufurd continued his narrative.

to give us an opportunity of engaging them out of the town; but this did not happen, and nothing occurred during the day, but the firing at the picquets. Small parties were placed, at least I placed small picquets in the afternoon, at the points from which the heads of the two columns were to depart the next morning for the attack, and I believe that was done generally.

Judge Advocate—Perhaps the Court will excuse me, if I just remind General Craufurd, that one paragraph of the paper he holds in his hand relates to the information received by the advanced guard, either during the march, or subsequent to the arrival of the advanced guard at the Miserere, either of the plans, or means, or disposition of the enemy to resist.

A. The first part of the information we received proved to be false, namely, that they had an

entrenched position to the eastward: that was before we arrived at Reduction.

Q. Will you affix the period of the march to any information you received, and from whom?

A. When I say the information we received, it is not any information I received, but I think it is contained in a paper written by an Italian, I think he was, who had been a medical man, and had resided in Buenos Ayres for a considerable time, and was an intelligent man; that they had some batteries, and had entrenched themselves. Before we arrived at Reduction, we received some information, I cannot exactly say how it came to me, which was certainly true, that they had entrenched the lower parts of the Chieulo, and constructed considerable batteries of heavy artillery.

Q. Who gave that information?

A. I cannot state.

Q. On what day of the march was it received?

A. I do not recollect; I cannot state whether it was not before we disembarked that we received it. I know that some conversation of that kind took place between me and General Whitelocke before we arrived at Reduction. I think this was communicated to me in the course of a conversation I had with General Whitelocke, the only time I saw him on the march.

Q. Was that on the 30th of June?

A. I think it was on the 30th of June; there is one particular circumstance which marks it; it was just at the time that a part of the troops were ordered to throw down their blankets. I am not very sure whether it was the 30th of June, or the 1st of July.

Q. Was it the day before you arrived at Reduction?

A. I really cannot positively say whether it was,

but I know it was the day on which a part of the troops were ordered to throw down their blankets, and leave them behind: it was at the time that a part of those troops were halting, and throwing down their blankets, that I had the conversation with him, in which it appeared, that he was informed that the enemy had intrenched themselves on the river.

Adjourned to to-morrow morning ten o'clock.

EIGHTH DAY.

SATURDAY, FEBRUARY 6, 1808.

Brigadier General CRAUFURD called in again.

Judge Advocate—I submit to the Court the propriety of following the same course with General Craufurd, after he has finished his narrative, which has been pursued with the other witnesses, of reading it over to him, that he and the Court may see, whether it is perfectly correct.

General Craufurd.—I would beg leave to mention, that this paper, containing the substance of what I was required to answer to, having been put into my hand only when I came into Court; on looking over it yesterday evening, I perceive there are two or three points I have not answered so fully as I ought to have done. If it is wished I will go over the paper and answer to those points.

Judge Advocate—That will prevent the necessity of my putting certain questions to General Craufurd which I otherwise must.

A. With respect to my brigade I mentioned the number of companies, but I ought to have stated the amount in rank and file—the strength in rank and file, disembarked, was 1250, or thereabouts. I do not undertake to speak precisely: the four companies taken from the brigade on the day of landing would, on the same average as the rest, have amounted to five hundred, leaving nine hundred and fifty rank and file, of which twenty-five men were, by order of General Gower, left at Reduction. When General Whitlocke came up on the

3d, the four companies of the 95th rejoined my brigade; and the number in rank and file that marched into the town, as reported to me by the brigademajor, was one thousand one hundred and fifty. The Court will judge whether it is proper for me to say this, and to have it taken down. I said, yesterday, that the landing place was, in my opinion, well chosen. I only mean to state to the Court that that opinion is founded on the supposition of the fact being as reported, that the transports could not have been got up towards La Scontia; it is on the supposition of the necessity of landing below the town, that I considered the landing place well chosen. There can be no doubt that the other would have been much better if we could have got there.

Judge Advocate.—It is perfectly right that that should be added to General Craufurd's evidence, having given it, as his opinion, that the Ensanada was the best place of landing.

A. When I stated, that in my opinion, when we landed, the place of disembarkation was well chosen, that opinion was grounded on the supposition of its being impossible (as I had heard it reported) to carry the transports near to La Scontia, or to bring them at any point above the town, within several miles of the shore. I yesterday stated that all the houses, except one that I observed, were deserted by the inhabitants: I mean to say, after leaving the village of Barragon, in which when we landed, there were several inhabitants who were not at all shy of us. It would be more clear if one answer I made yesterday, as to the intelligence I received, was scratched out, and another substituted for it—it was the question I was in the act of answering when the Court adjourned.

Judge Advocate.—What information did you receive during your march?

A. I received information, I believe as well as I can recollect, from a Mr. Duval, (whom I found in his house, near Barragon, and took with me as a guide) that when he left the town of Buenos Ayres, a few days before, the enemy had a corps and some batteries on the heights of Reduction. I have before stated that this intelligence, however, proved to be false, except, indeed, that a battery had been constructed there for the purpose of commanding the road by which General Beresford had crossed the morass the year before. This battery was dismantled before we approached it. I had also heard (and from a conversation which I had with General Whitelocke, on the 1st of July, it appeared that he believed) that the enemy had constructed considerable batteries for the defence of the river Chieulo, in the neighbourhood of the bridge. Whether the Chico Pass was defended in a similar manner, we were not able to ascertain until we approached it. I remember perfectly, that when I struck into that road, which I yesterday described to the Court as leading down to the pass, neither General Gower or myself, from any inquiries we had made, could ascertain whether that pass was defended or not; we rather apprehended that it was. With respect to what reconnoitering parties were made, previous to the arrival of the advanced corps on the river Chieulo, I know of none, excepting that which was made in the march by the ordinary advanced guard and flanking parties of my own brigade, as I marched down to it on the 2d. In answer to the question, why the passage of the bridge was not attempted, I cannot answer for the commander in chief's reason. I can only say that my opinion, and that of the other officers, with whom I conversed upon the subject, certainly was, that to pass the river at a point in which all intelligence agreed in stating, that the enemy had prepared a position would not have been judicious, when, by an easy march, it appeared possi-

ble to remove them from that position, or, in short, to turn it, by passing the river higher up; every body seemed to agree in that opinion, that the prudent thing was to march the whole army. In answer to the question, what was the state of the advanced corps previous to and after the action, with reference to the probable necessity of support, had the conflict appeared severe and unsuccessful, I really did not exactly understand that question. I do not mean any thing disrespectful in my observation, but had the conflict been unsuccessful, there would have been a necessity for support. With respect to the probability of obtaining it, that is another question.

Judge Advocate.—I would beg to state to General Craufurd, that the object of inserting that paragraph in the paper submitted to him, was to ascertain what means of retreat, or what prospect of support the advanced corps would have had in case the circumstances of the action of the 2d had made it necessary.

A. In answer to this, I can only speak from hearsay. I do not know where General White-locke's division passed the night, but if that division remained during the afternoon of the 2d, and the night, in the situation which has been described to me by Lieutenant Colonel Bourke, the Quarter Master General, and which probably has been stated to the Court, then it is clear that no co-operation could have taken place that evening. In answer to the question, what measures were taken for insuring the success of the attack on the town, either by bringing up artillery or troops, opening a communication between the different divisions of the army, or reconnoitering the approaches to the town, I have to state, that I heard that an order had been sent by a person of the country to Colonel Mahon. I do not know whether this is evidence; I cannot judge whether this is evidence.

Judge Advocate.—It is hardly worth while to trouble General Craufurd to state that fact, if he does not know it is not evidence.

A. To the best of my recollection, I heard it from General Whitelocke. I am perfectly certain that General Whitelocke, at one time, told me he had sent, whether on the 3d or the 4th I cannot say, an order to Colonel Mahon, who was then at Reduction, and had with him a considerable part of the field artillery, to advance towards the bridge, at the same time that the rest of the army should attack the town. I know of no other steps that were taken for procuring a co-operation of the artillery. As to reconnoitering the approaches to the town, I believe that every thing was done by the staff officers and officers commanding brigades. The fact is, that we were so close to the town during the 3d and 4th, that we could see the approaches to it. With respect to the intelligence we were able to obtain, as to the plans of the enemy, we had intelligence on the 4th, from Mr. White, which appeared to be very correct.

Judge Advocate.—Perhaps it will save time in asking questions hereafter, if General Craufurd will state what the details of that information were; of course, I suppose it was communicated to General Whitelocke.

A. It was communicated to him and several officers, by Mr. White, in General Whitelocke's inner apartment.

Sir John Moore.—It strikes some Members at this end of the table, that General Craufurd considers himself bound to speak to all the points of that paper, whether they fall within his own knowledge or not. I suppose that is not intended, but only that he should speak to those within his own knowledge; all that can be asked is, what he did, or was directed to do, or what he saw.

A. I know very well, because I saw, that the approaches to the town, on the right wing of the army, were very accurately reconnoitered.

Sir John Moore.—When the officers received their orders to make the attack the next morning, they of course would reconnoitre, that they might know where they were going; but what I understand to be asked is, what reconnoitering was made by the staff, in order to frame those orders?

A. The paper does not state reconnoitring by whom, but what reconnoitring. To my knowledge, the roads on the right wing were reconnoitred as far as the enemy's position would admit.

Q. By whom?

A. By myself and Colonel Garth.

Judge Advocate—Were any orders given to reconnoitre the town?

A. To the best of my recollection, we (the Brigadiers) were directed in General Whitelocke's room, at the time the plan of attack was communicated to the officers, to reconnoitre the positions to which each of us were to advance, and to make ourselves as much masters of the points of the proposed attack as it was in our power to do. I believe the plan was formed before General Whitelocke came up, subject to his approbation, of course, and his adoption. Whether the orders were given by General Whitelocke or General Gower, from whom I, in general, received my orders, I cannot tell. I considered the orders as coming from General Whitelocke, but the person from whom I, in general, received orders, was General Gower. In answer to the question, what intelligence was obtained from prisoners, as to the designs of the enemy, and his plans for the defence of the town, I have to state, that I do not recollect that any intelligence was obtained from the prisoners taken on the day of the 2d, nor do

I believe that they could have given us any information, because the enemy's position in the town was entirely changed after that action, in consequence of the operations on the 2d ; but on the 4th of July Mr. White told me and several other officers in General Whitelocke's room, that he was informed, I think he said by people who had left the town (of course it must have been, because the information proved to be correct) that the enemy had strongly entrenched and placed heavy cannon in all the streets leading into the great square, and had concentrated the principal part of their force in the neighbourhood of the square. I can only say, that the position which, in the course of the subsequent part of the trial, will be accurately described to the Court, the position of the enemy and their plan of defence, which I had an opportunity of observing, both during the attack and after I was taken prisoner, turned out to be just such as Mr. White did on the 4th describe it to be. I am sorry so frequently to address the Court not in the regular way of my evidence. I yesterday stated and I am now convinced, that had the army been in a situation to pursue the advantage gained on the 2d, the town would have been carried with ease. I did not, I believe, state the grounds of that conviction ; I do not know whether it is proper that I should state them.

Judge Advocate—It will be as good a time as any for me to state to General Craufurd the opinion I have on that subject. Undoubtedly if he had not already stated his opinion on that point, I should have thought it my duty to ask for that opinion, on the ground on which a question of a similar nature has been already decided by the Court ; and after having received General Craufurd's opinion on the subject, I should have followed up that first question by another question. What were the grounds on which that opinion

was formed? If General Craufurd therefore thinks proper to state the grounds of that opinion, it will save the time of the Court, and a question from me on that subject.

A. I thought so at the time, because during the greater part of the march of the 2d, we had seen what, from its appearance, there was every reason to believe, the bulk of the enemy's force in the field. By our movements, and what we latterly observed of theirs, it was evident that we had turned their original position, and that they were engaged in an attempt to change their front, and take up a new one on the western side of the town; and as we defeated a considerable division of their army during this movement, (we came on them, I believe, just as they had taken up that position) there was every reason to believe what, in fact, we afterwards found to be true—that they were not provided for the defence of the town on that side. I do not know whether I ought to state that I was informed, after I was taken prisoner, by a Spanish officer, that had we entered it then, we should have been in the town before the greater part of the Spanish army.

Judge Advocate.—I feel great difficulty in allowing the last part of General Craufurd's evidence to be given. When I require the grounds of his opinion, I require the grounds of his opinion on facts known to him at the time. I therefore would suggest to the Court the propriety of striking that latter part, as to information from a Spanish officer, out of the minutes.

General Craufurd.—There is a question in the latter part of the paper I hold in my hand which I did not answer. I would first wish for an explanation; it is this—whether the troops composing the advanced corps were selected from those best calculated, and whether they were or were not duly supplied with provisions, ammunition, and so on.

If by the advanced corps is meant the whole of General Gower's brigade, I shall answer it in one way; if my own brigade, I shall answer it in another.

Judge Advocate.—The object of inserting that was to obtain any information General Craufurd could give as to the whole of the advanced corps; his attention will certainly be directed particularly to his own brigade.

A. I answer to the question, whether the troops composing the advanced corps were selected from those best calculated for the service, I have to state—of those composing my brigade (being, with the exception of the detachment of the 71st, the light infantry and rifle corps,) were, I presume, the troops that should naturally have been selected for the purpose; but the 36th and 88th regiments, who had been embarked for nine months, although very excellent regiments, did certainly not appear so fit to form a part of the advanced corps as the 38th, 40th, or 87th regiments, who had been long in the country. I answer this, because it is a question put. I should think, that if so small an army as that had marched together, it would not have been very material whether those regiments or any others formed a part of the advanced corps. In so small an army as that it did appear to me, that no great detachment ought to have been made from it to take a long route, while another was taking a position. I should have thought a corps of that strength ought not to have been divided at all, and that in that case the service could not have been at all different, by the circumstance of which were at the head of the column. They were certainly not so fit to march as the 38th, 40th, and 87th were: they were extremely fatigued with the march. Whether with regiments less fatigued, General Gower would have thought it prudent, not knowing where General Whitelocke was, to enter the

town, I cannot say. I certainly do not think they were so efficient as the regiments which had been long in the country. I should conceive that the latter part of that which is taken down might be left out, from the word country; it is merely explanatory.

Judge Advocate.—If General Craufurd wishes to withdraw that as part of his answer, it may be struck out, I conceive.

General Craufurd—I can have no objection to its remaining on the minutes if the Court think it ought. I merely stated it as explanatory, and not with an intention of its being taken down. I believe I did, yesterday, in my evidence, positively state that neither I, nor to the best of my knowledge, the other brigadiers, were consulted as to the attack. I hope the Court will allow me to state this in justice to myself, that the operation of attacking the town on the 5th July, was very different from that which we should have pursued after the action of the 2d. I wish to be allowed to say, that I hope the Court will not conclude, that because I proposed such a thing on the 2d, therefore I approved it on the 5th. My opinion with respect to the attack of the 5th was never asked, and it certainly was never given. I never expressed either approbation or disapprobation; it was not asked, and I should have thought it presumptuous to give it.

Judge Advocate.—I think it would now be right to read over General Craufurd's narrative, and will you be kind enough to stop the Deputy Judge Advocate whenever you see that the evidence is not taken down correctly.

Mr. Oldham read over the evidence given by General Craufurd, and the following corrections were made:

After the words “to state it as my opinion, that it would be very desirable to proceed,”

General Craufurd.—I would wish to add, which in the mean time I did—I did not halt.

After the word, “the first indication we had of their presence,”

General Craufurd.—I mean of their being present in force; we had seen small parties during the whole of our march. I had seen that which I considered as a considerable portion of their army at a distance; but this was the first time that I saw any considerable number of their troops near us. The first indication we had of their presence near us, was a shot from the guns placed on the Corral; they had twelve there; the distance may as well be omitted, for I really cannot speak to that.

After the words, “I pursued them about three quarters of a mile, I think beyond the position on which they formed.”

General Craufurd.—Beyond the position from which we had driven them, and very nearly to the commencement of the town—in fact we were at the first house of the town.

After the words, “there was nobody in the room but Major General Gower, the Brigadiers, and Lieutenant Colonel Pack,”

General Craufurd.—I wish to state now, that I do not speak positively as to who were in the room when the disposition was read; to the best of my recollection, there were no persons but those I have mentioned, in the inner room, when it was read.

After the words, “what information did you receive during your march?”

General Craufurd—That answer is incomplete; I was in the act of making it when the Court broke up yesterday. I should think, both the question and the part of the answer which now stands, might be erased, in consequence of what I have said to-day.

Judge Advocate.—I have no objection to its being struck out, if General Whitelocke has none.

General Whitelocke—I have no objection.

The question and answer were struck out of the minutes.

After the words, “with respect to crossing the river Chieulo at the Chico pass, and every body agreed in that opinion,”

General Craufurd—Of course that must be understood of the officers with whom I conversed.

After the words, “I am pretty certain that General Whitelocke told me, either on the 3d or 4th, that he had sent an order to Colonel Mahon,”

General Craufurd—The only part of this that I am positive of is, that the General did state the sending this order; whether he stated by whom it was sent, or whether that information I received from any other person I cannot say. I understood he sent two orders. The General said something to me about that order that he had sent to Colonel Mahon, but this is all hearsay.

After the words, “I believe every thing was done by the Staff Officers and those commanding brigades, which could be done,”

General Craufurd—I had better confine my answer to that which I know. I do not know at all what passed, whether the roads leading to the left

were reconnoitred or not; I can only speak to the right.

After the words, “that we had seen the greater part of their force in the field,”

General Craufurd—What I mean is, that we had seen in the field what we conceived to be the bulk of their force, not that we had seen the bulk of their force which were in the field.

After the words, “that no great detachment should have been made,”

General Craufurd—With the permission of the Court, I should be glad if the latter part of that was left out; it dropped from me in the course of my answer: it appears as if I had (which I am sure I have not) a wish to criticise the plans of the commander-in-chief. I think it would be better out, particularly the latter part of it. The part I am particularly desirous of leaving out is the last three lines,—in so small an army, it appeared to me, that no great detachment should have been made.

Judge Advocate—I feel considerable difficulty in acceding to the wish General Craufurd has expressed (certainly the motives for that request can only do him honour), that that part of his evidence should be left out; for the object of calling General Craufurd, or any other witness, to give his testimony to the Court upon this subject, is in order that the witness may state whatever evidence he is possessed of, tending to substantiate the charges against General Whitelocke, and to give all the information in his power upon the subject to which those charges relate. If the Court are of opinion the three lines which General Craufurd wishes to be struck out of his evidence, do state any thing which does tend to give information to

the Court on the subject of the charges, I do not at present conceive that it is my duty, in the situation in which I stand here, to consent to those words being omitted, unless it should be the pleasure of the Court that they should. I can perfectly understand, that General Craufurd, and every other officer, may feel himself in a very difficult and unpleasant situation; but that is a situation which every man who comes forward in a Court of justice to give the evidence which he is bound to give upon oath, is perpetually placed in: and, as I stated before, I cannot, in the situation in which I stand here, consent to those words being omitted, unless it be the pleasure of the Court that they should be so.

The Court was cleared.

After some time, the Court was again opened.

President—General Craufurd, the Court have directed me to state to you, that that part of your statement cannot be struck out.

General Craufurd—Since that is to stand, I would add—if so small an army as that marched together in one column.

Judge Advocate—Q. Were there any, and what, local impediments in the march from the heights above Barragon to the Chieulo, to have prevented the army from arriving at a short distance from that river on the second day after its departure from the heights?

A. If the army had not quitted the heights of Barragon, before the artillery had crossed the great morass, and if the troops had been in the habit of marching, I think that the army might, without difficulty, have reached the position in front of Reduction in two marches, but, considering all the circumstances that existed at the time, I do

not think the army could have conveniently been assembled in a position before Reduction before the evening of the 1st; indeed I have no reason to believe that Colonel Mahon, with his corps and the artillery, could have arrived there sooner than they did, namely, on the 2d. When I say could, I mean without harassing them.

Q. You have stated, in your evidence, that you had a conversation with General Whitelocke on the 1st of July,—State whatever you remember of that conversation, which applies to the subject of these charges.

A. While the troops were halting, General Whitelocke took me aside, and the substance of what he said to me was, that he had thoughts of detaching a part of the army to make a considerable detour towards the higher parts of the river Chieulo, in order to turn the position which the enemy had intrenched on the lower Chieulo, whilst the rest of the army should advance against that position, and that General Gower agreed with him that this was an adviseable operation. I only speak as to the substance of the conversation, not as to the words: I mention this as a proof that the General had received information of their having a position on the lower Chieulo; the rest of the conversation was merely an opinion of my own.

Judge Advocate—I wish the conversation should be taken down; the question goes to that.

A. The commander-in-chief asked my opinion, and I told him that, considering the smallness of the corps or army which he commanded, it did not appear to me adviseable to make any so considerable division of its parts, to act at so considerable a distance from each other. I think he ended the conversation by saying, Well, I believe you are right. I am not very positive as to that, but the impression upon my mind is, that he

ended it by saying, Well, I think you are right.

Q. Was it known at that time, that there were more passes than one above the bridge over the Chieulo?

A. The information which I had received at that time was very vague. I had heard, that the course of the river was so short, that we might head it altogether. I was not in possession of all the information which the commander-in-chief was; of course, I do not know what information he had. I speak of the 1st; on the 2d, the latter part of this conversation was contradicted by an Indian, a servant whom I found in the house in which I passed the night of the 1st, and took with me the following day as a guide. It just occurs to me, that there is a slight inaccuracy in my evidence. I think I have said, that after we left Ensanada we only found one man, Mr. Duval. I am quite positive we only found two—Mr. Duval, in his house near Barragon, and this Indian, in the house where I took up my quarters on the evening of the 1st, were the only two persons whom I could find on my march. I have not, in any part of my evidence, said that there was only one guide; there was Mr. White, who came with us from Monte Video, and who, it is generally known to the army, was of great use to us, there was also an Italian, who seemed to have a pretty good general notion of the country, but who, when we came to enter into detail, was not of much use.

The following correction was made in the former part of the evidence:—The inhabitants having all left their dwellings but a Mr. Duval, and an Indian servant of the proprietor of the house in which I passed the night of the 1st of July.

Q. You have stated, in your evidence of yesterday, that early on the 2d you received an order from General Gower, who had passed the night with Brigadier General Lumley's brigade, to be ready to march at nine o'clock; that before nine General Gower came with you, and you had a good deal of conversation with him, with respect to the object and direction of the march, &c.—At what hour, as far as your memory will enable you to state accurately, did you see General Gower that morning when this conversation passed?

A. A little before nine.

Q. In the course of that march you stated that some time after this Major General Gower shewed you a letter from General Whitelocke to him, by which letter Major General Gower was authorised to cross the river, and establish himself in or in the vicinity of the suburbs of the town, which it was clear to you, from the position of the two armies, could not be effected without an action. State, as particularly as you can, the contents of that letter which Major General Gower shewed to you from General Whitelocke?

A. I have already stated what was the principal substance of the letter. I am not able to give the Court any more particular information respecting its contents. The letter was in the pocket of General Gower's aid-de-camp, who was taken.

Q. Did that letter, or did it not, contain an order to Major General Gower to march, or was it only an authority to Major General Gower, to act according to his discretion. It is perhaps fair to state, that my reason for asking that question is, that Brigadier General Craufurd has stated, that by that letter Major General Gower was authorised to pass the river. It is essential, therefore, to ascertain whether that letter contained an order, or was merely an authority to Major General Gower to act in that respect, according to his discretion?

A. From my recollection of the contents of the letter, as well as of all that passed between me and General Gower that day, I do believe that the letter was so worded as to leave it to the Major General to act according to his judgment. At the same time I must repeat, that I do not recollect the precise terms of the letter; whether it was to be considered as a positive order or not, must depend upon the wording of it, and I do not recollect the precise terms. Of this, however, I can speak positively, that the Major General's conduct was that of an officer who had not received a peremptory order.

Q. Is the Court to understand, that though Brigadier General Craufurd does not remember the terms of the letter, he does remember the whole of the substance of the letter; and that the whole of the substance is what he has stated in his evidence?

A. I am not sure whether the letter contained any authority to summon the town—I have heard since that it did; but I am not sure whether it did or not. I saw it only once, and that at a moment when my mind was wholly occupied with the operations that were going on. What I mean to say is, that it might have contained such an authority to summon the town; and an authority to do that which we could not do before we had an action with the enemy, might not have made much impression upon me, and therefore it might be in the letter and I not recollect it. I was attending to the operations that were going on. The only part of the letter which I do recollect, was an authority to establish himself in, or in the vicinity of the suburbs of the town. I think I could safely swear to the words, suburbs of the town—establish himself in the vicinity of the suburbs of the town. I certainly feel perfectly sure as to those words.

Q. My question is, whether there might not have been other parts of the letter which you do not remember, or whether what you have stated is the whole of the letter?

A. I can give no other answer to that than I have; probably a minute of the letter may be produced hereafter. I do not know whether any copy of it is in existence. I recollect nothing of the letter but that which, to the best of my recollection, authorised General Gower to establish himself in the vicinity of the suburbs of the town.

Q. Upon that my question appears a very simple one, whether there might not be other parts of the letter which you do not remember?

A. Certainly there might have been parts which, occupied as I was then, I did not pay attention to.

Judge Advocate—I feel, from what General Craufurd has now stated, a delicacy to him and to myself, and I feel myself called upon to state, that I am not attempting to try General Craufurd's recollection by written evidence. We have had proof that the letter is destroyed. Whether any copy of it exists we have had no proof; it is therefore of importance to get at the substance of it from those who saw it.

General Craufurd.—All I can safely swear to the Court is, that that letter did authorize Major General Gower to establish himself in or in the vicinity of the suburbs of the town, further I cannot say; it might have contained other matter, or it might not, I cannot say.

General Whitelocke.—I have no questions to trouble General Craufurd with at present.

Examined by the Court.

General Fox.—Having stated in your evidence that there were no camp-kettles with the expedi-

tion, was there, or was there not, a possibility of providing means for the conveying those camp kettles with the expedition, by means of horses or mules, or in any other mode?

A. When we landed at Barragon I saw a considerable number of horses. I myself got some of them. Whether the number was sufficient for the purpose of conveying the camp-kettles, or what proportion of them, if they had been tried with the packs, would have carried them, I had no opportunity of ascertaining. My brigade immediately moved on to the heights. Some of the horses certainly would have carried them. I got one or two myself that were quiet. Upon the whole I think that if it had been made an object (whether other people may not think differently, who took more pains to ascertain, I do not know) a proportion of the camp-kettles might have been carried; but as I have already stated, I had not the means of ascertaining it. I do not mean the whole, but a proportion, which would have been extremely useful. At the same time, what I said upon that subject yesterday, was, as the Court know, in answer to questions put to me in writing, I think it is right for me to say what likewise I know, that the principal object to which all others, in General Whitelocke's mind, appeared subordinate, was that of gaining time. He appeared impressed with the information he had received of the heaviness of the rains, when they set in, and seemed extremely afraid of not getting to Buenos Ayres before the rain set in; and certainly these arrangements respecting the camp-kettles must have taken up more time than marching in the way in which we did. I do not know whether the Court, or General Whitelocke, think it material I should state that I certainly had some opportunities of seeing how anxious the General was to finish the operations before the heavy rains should set in. I must, however add, that, in my opinion, considering how

much time there had been before the arrival of my detachment to prepare for this operation, which it was determined to undertake as soon as I did arrive, a greater number of horses might have been conveyed with the army across the River Plata.

A Member.—How was the victuals for the troops dressed?

A. They were ordered to land with three days salt provisions ready dressed. What they got afterwards they roasted on the fire they made in the night. There was no difficulty in roasting what they got, for they got but very little. We did find some beef hung up on the trees, but owing to our having no men to catch the cattle, there was no proper issue of provisions after we landed. We got some sheep sometimes. There was no difficulty in dressing the meat; but we could not boil the wheat. And with respect to bread, or substitute for bread, they had none for two whole days; indeed they were more than two days without bread, for I reported to General Gower, on the march, that that which they had in their haversacks was spoiled in going across the swamp. I do not think that my brigade being in front, suffered materially from the want of meat, but I do think the men suffered greatly from want of bread and spirits. I mean that they were jaded. The Court will be aware that that sort of food, put on the fire without bread, or any substitute for it, is not sufficient to enable men to march.

Q. Do you know the part of the army Lieutenant General Whitelocke had allotted for his station during the attack on the town of Buenos Ayres, on the 5th of July?

A. I had some conversation upon this subject, with General Gower, late in the evening of the 4th, and from the conclusion of this conversation I understood it to be settled that he (General Gower) should recommend to the commander-in-chief

to take his station in the morning, a little in the front of the ground upon which the right of my brigade then stood, namely, the Corral.

Q. Had Lieutenant General Whitelocke allotted any situation, or a place of rendezvous, for the troops to have retired to in the event of the attack on the town of Buenos Ayres on the 5th of July, not succeeding?

A. I never heard of any.

Sir John Moore.—Was it communicated to you and the General Officers where, during the attack of the 5th, Lieutenant General Whitelocke and Major General Gower might be found in case of need?

A. At the same time that General Gower informed me that he should recommend to the commander-in-chief to take his station in the morning, as I have already described; he also, in answer to a question I put to him, respecting his own situation, said, that General Whitelocke had ordered him to be with him; but I do not recollect his having mentioned this as the situation in which he should remain all the day. I am speaking of his situation in the morning; where he should go in the morning.

Sir John Moore.—It is meant, whether it was publicly communicated to you with the orders you received?

A. What I have stated was the result of a conversation, and brought on by himself in answer to a question.

Sir John Moore.—That was not the question I meant to put. My question is, whether the situations in which the commander of the forces, and the second in command, were to be found, in case of their being wanted, were communicated?

A. I will add, that I do not recollect its having been made known publicly, but it may have been

made known to every other brigadier as it was to me; it certainly was not in the disposition. I can produce the disposition I received, if it is wished.

Q. In the distribution for the attack of the 5th, was any part allotted for the commander of the forces, and the second in command?

A. I thought I had the disposition in my pocket, but I have left it at home; but to the best of my recollection, in the written disposition and order for the attack, nothing was said upon that subject.

Sir John Moore.—I wonder that General Craufurd, who is a General Officer himself, does not understand the question which I put—what place was allotted to General Whitelocke. Was General Craufurd himself desired to report to any particular officer; was the right to be superintended by one officer, and the left by the other?

General Craufurd.—I hope I shall not betray any gross ignorance of the duties of an officer in my answer. I state that nothing of that kind, to the best of my recollection, appeared in orders; and that which I learned from General Gower on the subject, was in a conversation which began by my asking him where the commander-in-chief would be; he said he should recommend to him to be at Mr. White's house; I said I thought that was not a becoming situation; and then he said he would recommend to him to be at the right of my brigade. In the written disposition I believe there was nothing on the subject; and I believe that it was in consequence of there being nothing I asked General Gower those questions.

Lord Lake.—Were any general orders given in public, at any time, where General Whitelocke was to be found on that day?

A. I do not recollect that there was.

Lord Lake.—You must have recollected if there was, I should suppose?

A. I have stated that to the best of my recollection and belief, it was in consequence of that not having been officially promulgated that I had the conversation I have spoken of with General Gower. I cannot positively swear at this distance of time to the thing, but I tell the Court what I think was the case, that it was in consequence of its not having been notified publicly, that I did ask General Gower the questions which I have stated.

General Norton.—What proportion, in point of numbers, of the main bulk of the Spanish army, which you observed on the 2d of July, do you believe was engaged with and defeated by your brigade, on that day, when the enemy lost their twelve pieces of cannon?

A. I saw very little of the Spanish army after we left the Passo Chico. When we were at the Passo Chico, I saw what I considered as a great proportion of their army; after that the ground was so extremely intricate that I saw little of them till the corps, with which we were engaged, were in flight. I may give a very vague guess from their fire, but we came on them quite suddenly in very close ground. I had not seen them from the time they left the pass till the time we commenced the fire, and then I saw a very small proportion of them, about 1000 men I suppose. The force with which we were engaged was very superior to us. The Spaniards said, as men always do when they are defeated, that they had not a large number. From the time that I saw them in motion, when we were at the Passo Chico, I never saw their force distinctly, till they were flying, and then we were thirty or forty yards from them, and the inclosures being so thick we could not see them distinctly. I can only judge from their fire, which appeared to be

that of a corps greatly superior to our own; there might be 2000 men engaged. From the time they opened their fire, the firing was only three or four minutes. I therefore cannot answer this question with any accuracy.

Judge Advocate.—It would perhaps be the best answer to insert that General Craufurd had no means of judging what proportion the division of the Spanish army, with which he engaged, bore to the whole of the Spanish army.

General Craufurd.—I believe that it was the best troops they had; at least, the men that were called were all dressed in uniform, and a great many of those we afterwards engaged, were not dressed in uniform. General Liniers and General Ellio were present in person; they had twelve pieces of cannon, which I believe were the whole of their moveable cannon, so that it was by no means an inconsiderable force.

A Member.—Had the enemy been, as reported, entrenched, for the purpose of defending the passage of the Chieulo by the bridge, might they not have been attacked with advantage by Major General Gower's corps, after fording the Chico Pass, by coming in the rear of their intrenchments; and would not the consequence of a defeat of the enemy there, have opened the passage of the bridge for the main army, and the bringing up of the artillery?

A. I have already stated, that after crossing the Passo Chico, I observed what appeared to me to be a very considerable part of the enemy's army moving from their former position, in the vicinity of the bridge, with an intention of taking a new one upon the heights, higher up the river; and the movements which we afterwards made appeared to me the only ones which, under those circumstances, we could make with propriety. When I saw those

they were moving as if to gain a position on the heights. There is a road which goes along by the side of the river on the low ground, between those heights and the river—that is the direct road to the bridge; but, acting for myself, General Gower not being there, I did not think it prudent to have marched along this low road, on the low ground, leaving the enemy to take possession of the heights.

General Piggott.—Did Major General Gower express any displeasure or uneasiness to you at the letter he received from Lieutenant General White-locke, on the morning of the 2d?

A. Quite the contrary.

Adjourned to Monday morning ten o'clock.

NINTH DAY.

MONDAY, FEBRUARY 8, 1808.

Brigadier General CRAUFURD called in again.

Judge Advocate.—General Craufurd having expressed a wish to state some points to the Court which he had omitted in his evidence, and added, that he was the more anxious to explain those points, inasmuch as he stated, that he thought those circumstances he had to state were favorable to General Whitelocke—I submit to the Court the propriety of hearing from General Craufurd those points. I will now, therefore, if the Court will allow me, call upon General Craufurd to state those points which he either wished to add to his evidence, or to amend.

General Craufurd.—I am not very certain that the Court will consider that which I am about to state, as of any importance. I have stated that General Whitelocke appeared to me to be extremely anxious to bring the operations to a close before the setting in of the rains. I omitted to state, that from every information I received, there certainly appeared to be reason to apprehend that the rains would commence in a very few days, and with great violence; and as the army was necessarily unprovided with tents, and the country in which we were acting did not, until we arrived in the immediate vicinity of the town, afford any means of putting the troops under cover, I, as well as the others with whom I conversed, felt the importance of avoiding all unnecessary delay. The Court will be aware it was the more important

from the circumstance I have already mentioned, that great part of the General's army consisted of troops who had been living for months in warm transports, and who, of course, would have been particularly exposed to dysentery, from long lying out in the wet. I must, however, beg to state that what I am now saying, must not be taken as contradicting any opinion I have given in the former part of my evidence. It is also necessary for me to state that I think there was no impossibility of bringing a considerable part of the army under cover in the vicinity of the town; the country, till we arrived in the vicinity of the town, afforded no means of shelter. There is another circumstance which, before I give the Judge Advocate the trouble of taking down, I will state (as it appeared to me that it was an object for the Court to ascertain how far General Gower was, on the 2d, acting under a peremptory positive order:—Now I stated, in the course of my evidence, that on the march from the Passo Chico to the suburbs of the town, I received an order twice to halt, but that I did not collect, from the manner in which that order was sent me, whether it was the intention of the Major General that I should halt merely for Brigadier General Lumley's brigade to come up, or to take up a position for the night. I cannot positively swear, but I am very strongly impressed with the belief that it was, or at least it appeared to me at the time to be, the Major General's intention to take a position for the night: it appeared to me from this, that the Major General did not consider himself as acting under a peremptory order. How far the Court will consider this as proper to be taken down, they will judge.

General Harris.—It is matter of opinion; you will judge how far it is necessary to have it taken down.

General Craufurd.—I know what I said in answer to it was, that the enemy were in such a state, that it appeared to me best to go on: it must have been the impression upon my mind at the time, that it was an order to halt to take a position.

General Harris.—Unless General Craufurd can state the terms of the order, I do not see that it is of any moment.

General Dundas.—Did Major General Gower convey his orders officially to you, as he received them from General Whitelocke?

A. That I cannot tell; but I have sworn that General Gower's conduct did not appear to me to be the consequence of peremptory orders. I saw the letter which conveyed the order to Major General Gower, but I cannot swear to the terms of the letter; but many parts of General Gower's conduct on that day was not the conduct of an officer acting under a peremptory order. It appeared to me, from a question put to me yesterday, that it was an object with the Court to ascertain whether General Gower was acting under a peremptory order or not.

Judge Advocate.—Does the Court think that the former part of General Craufurd's evidence respecting any thing which related to that letter, except his recollection of the contents of that letter, he having once read it, is evidence? If they are of opinion that any thing else General Craufurd has stated respecting that letter is to be taken in evidence, which I own I am not; for I conceive, nothing else but the recollection which General Craufurd has stated of its contents can be received in evidence. But if the Court are of a different opinion, I conceive, that having taken so much as they have of General Craufurd's statement respecting General Gower, the rest must be admitted also. It is difficult to stop an officer while he is

making a statement. It is impossible to know until he has completed it, whether that which he is stating will turn out to be evidence. I certainly think, that whether Major General Gower considered it as a peremptory order is no question for the Court to decide at all. The question is, whether upon the order as stated in the letter, or whether from the contents of the letter, which the Court will obtain information of in the best way they can, they are of opinion the letter contained a peremptory order or not. The impression it made on the General who received it, appears to me to be of no consequence; and therefore General Craufurd going on to state now what was his impression from General Gower's conduct, does not appear to me at all relevant.

Lord Lake.—It does not appear to me of any consequence. General Whitelocke seems to wish it to be put down.

Judge Advocate.—I have a paper put into my hand by General Whitelocke which I will read: “The order given is lost. General Craufurd has before stated he saw it, it may be of importance to know what the purport was, and what was done under it.” That is precisely what I have already stated, and it was with that view my questions to General Craufurd were intended.

General Harris.—That General Craufurd has stated.

Sir John Moore.—It appears to me that General Craufurd was engaged in other things, and that you may get better evidence. You have that of Colonel Bourke, and you may have that of Colonel Torrens, who wrote it. Of the words of the order, therefore, you can get better evidence than that of General Craufurd, who read it but once, and has but an imperfect recollection of it.

General Whitelocke.—It appears to me that Ge-
O

neral Craufurd can give as good evidence of the contents of it as the person who wrote it.

Judge Advocate.—General Craufurd says his mind was very much employed at the time, and that he does not recollect it.

General Craufurd.—In explanation of my evidence, I would say that General Gower's conduct did not appear to be that of an officer acting under a peremptory order.

Judge Advocate.—If the Court are of opinion that that part of General Craufurd's evidence in which he stated what the impression upon his mind was, of the contents of that letter, from General Gower's conduct, is that which they can attend to according to the rules of evidence, I am clearly of opinion the explanation General Craufurd is now giving must be received also. My only objection to it is, that I think that former part of General Craufurd's statement is no evidence, and that the Court can pay no attention to it.

Sir John Moore.—It appears to be a singular kind of evidence. He says that it could not be a peremptory order, because the conduct of General Gower was not such as it would have been under a peremptory order.

General Craufurd.—I trust the Court will allow me to explain my evidence, so that there may appear nothing contradictory.

Sir John Moore.—There is nothing contradictory in the least.

General Craufurd.—I request that I may be allowed to state a few words in explanation of that part of my evidence. I submit that request to the Court; they will judge whether it is proper to comply with it or not.

Sir John Moore.—I think if there was any thing

incorrect in General Craufurd's evidence, he ought to be allowed to explain it, but I do not see any thing of the kind.

General Craufurd.—I will explain what I mean in saying that General Gower's conduct did not appear to be that of an officer who had received a peremptory order. He certainly had not determined in his own mind whether he would take up a position in the vicinity of the town or not.

Lord Cathcart.—It appears to me that General Craufurd has fully and substantially stated all which he now says.

His Lordship read his note of General Craufurd's statement on this point in his evidence on Saturday.

General Dundas.—That appears perfectly satisfactory.

Sir John Moore.—All orders to an officer imply a latitude. General Gower was to lodge himself in the suburbs of Buenos Ayres if it was possible so to do. If the enemy had taken a position there, and he could not force him, he had a latitude. There are no orders so peremptory, unless they are given under the eye of the person who gave them. If General Whitelocke had been at the ford, and had said, Pass that ford; he must have passed it, because General Whitelocke had the power of judging; but if you detach an officer, he must have a latitude in the orders, the superior not being present to see the circumstances.

General Craufurd.—General Gower had not determined whether to pass the ford, or where to pass it.

Judge Advocate.—I do not know how I can allow General Craufurd's statement of General Gower's

intention to be put down ; that is no evidence to affect General Whitelocke.

General Craufurd.—With respect to my own evidence, there is one point on which Sir John Moore asked me several questions. I have, since I was last in Court, read over every written order I received previously to the attack of the town, and I can now take upon me to say, there is no mention of the situation in which the commander-in-chief was to be, in any order I received. There is a point in my evidence which I wish rather to amend:—a thing dropped from me in consequence of the paper put into my hands, that there were no Lasso men. I mean to be understood that there were none put under my direction, and that no part of the commissariate attended to the distribution of provisions to my brigade during the march ; but on the 3d of July I certainly did see Lasso men employed in killing cattle for the troops.

General Garth.—What was the state of the weather during the march, and to the end of July?

A. I can state it to the best of my recollection only. On the evening of the 1st of July it appeared very much as if the rains were about to commence ; and to the best of my recollection it was on that evening that Lieutenant Colonel Pack mentioned to me, that from the appearance of the weather, as well as from his recollection of what had happened about the same time the year before—

Judge Advocate.—The question is not what the opinion of any one was, what would be the state of the weather ; but what was the state of the weather ?

A. I was going to state after that—on the night of the 2d it rained very hard, and to the best of my recollection, (but I am not very sure of that)

there was a good deal of rain on the 3d and 4th. I thought it was perhaps of consequence to mention what opinion was formed by the people who were acquainted with the country. Whether there had been much rain before the night of the 2d, I do not recollect; and whether there were very heavy rains on the nights of the 3d and 4th, I do not recollect. I rather think there was rain on those nights, but to what degree I cannot state. I cannot possibly state to the end of July, for I left the country on the 9th of July.

The witness withdrew.

The Honourable Brigadier General LUMLEY
called in.

*The abstract of the first and second charges was
read over to the witness.*

Examined by the Judge Advocate.

Q. Were you the senior officer of cavalry employed with that army?

A. I was.

Judge Advocate.—With a view that General Lumley may be acquainted with the points to which his evidence will be required, I will read the paper I delivered to General Lumley yesterday. You will be pleased to state whatever fell under your observation, either at Monte Video, or elsewhere, previous to the debarkation of the troops at Barragon, relative to the preparation of the cavalry, which composed a part of the army under Lieutenant General Whitelocke's command, for active service, whether as relating to the procuring horses, training them, providing provender, the care and preservation of all articles of cavalry equipment; likewise state the appointments made for transporting the cavalry to the right bank of the Plata, and for bringing over such further supplies

of the various articles of equipment as might be required. As the power of mounting the cavalry might be increased by the taking of Buenos Ayres, or the farther advance of the army into the country, state the number of dragoons actually mounted; how far the horses procured were of the best description the country afforded, or, at least, whether they were equal to those to which they were likely to be opposed. State the mode in which all the cavalry, and particularly that portion of it which was mounted, was disposed of, from the time of debarkation to the night of the 4th of July; whether they were employed in those services to which troops of this description are particularly adapted; and without entering into a detailed narrative, state any circumstances which fell under your notice, respecting the conduct and operations of the army, previously to the night of the 4th of July, as connected with the charges exhibited against Lieutenant General Whitelocke.

A. Previously to giving my evidence to the Court, I hope I may be allowed to say a very few words, which will elucidate my evidence in a great degree. I hope the Court will not be surprised, or think I make use improperly of the name of Major General Gower, in making use of it much more than that of Lieutenant General Whitelocke. From Major General Gower I received almost all my orders, very few indeed excepted, from the first period of Lieutenant General Whitelocke's arrival in that country, until the time of our being stationed on the Retero, beyond Buenos Ayres. I must be understood, of course, with the exception of such orders as came through the Adjutant General's office, regularly issued at twelve o'clock; of course, of those I cannot know where they came from, I must conclude they came from head-quarters—what I mean is all special occurrences respecting the cavalry appointments, at the time of the arrival of Lieutenant General Whitelocke at

Monte Video, which I believe was on the 10th of May.

Judge Advocate—In consequence of the explanation with which General Lumley has thought proper, very rightly, to preface his evidence, it becomes necessary for the Court to consider how far they can receive any evidence which General Lumley has to give, with respect to any orders he received from Major General Gower, unless some proof be adduced, or unless there be something in the nature of the orders received, from which the Court are compelled to conclude they came from General Whitelocke; because, as long as General Gower had intrusted to him the execution of any part of the duties belonging to the command of this expedition, so as long as he was entrusted with those duties, I conclude, that no orders that he gave, while he had this sort of indefinite command, can be brought in evidence against General Whitelocke, or affect him in one way or the other; and in another point of view it appears to me extremely hard to admit the evidence of such orders; they may go to affect the conduct of an officer who is absent. Major General Gower is not put on his trial, and has no opportunity of explaining the orders which were given, which may, for aught I know, at first sight require explanation; it appears, therefore, extremely material for the Court to consider and decide to what degree they will receive evidence of those orders to which General Lumley has stated his examination will principally apply. The Court understand the nature of military command, and will best know which of the orders, to which General Lumley is about to speak, must be considered as proceeding from General Gower, as exercising a separate independent command, and what must be considered as proceeding from the commander-in-chief of the expedition; but I think it proper to state what objection must arise to some of the orders in this stage of the business,

rather than to wait till the question arises, whether the evidence given ought or ought not to be admitted on the minutes. It appears to me we are about to hear a great deal of evidence which cannot affect the case, and cannot affect General Whitelocke; at the same time, that it may affect the character of an officer who is not put upon his trial.

General Dundas.—It appears to me that General Lumley could have received no orders but through General Gower, who immediately commanded him.

Judge Advocate.—I have not had the good fortune to make myself understood. The question is not what orders General Lumley received from General Gower, but the question is, what orders General Whitelocke gave to General Gower or General Lumley.

General Dundas.—There could be no orders given, according to the custom of the service, to General Lumley but through General Gower.

General Harris.—What orders General Gower gave must be supposed to come from General Whitelocke.

Sir John Moore.—It appears to me that the Court can hardly judge: General Lumley has been put to his oath, and the charges have been read; we must leave it to General Lumley; he knows that it is not General Gower, but General Whitelocke that is being tried. We must therefore leave it to him not to state any thing which in his opinion is not connected with the charges. We cannot conceive General Lumley will, after hearing these charges, go on with evidence which relates merely to General Gower; he will, perhaps, begin with stating that he was directed to make his reports to General Gower, and to receive the com-

mander-in-chief's orders through that channel. We must, in my opinion, hear the evidence before we can judge how far any objection arises in it.

General Dundas.—It will be in the power of the Judge Advocate to check the evidence whenever he considers it does not apply.

Sir John Moore.—It appears to me that what General Lumley has said is a sort of an apology for himself, for bringing in the name of General Gower in that manner. It would have been perhaps as well to have given that explanation at last, when it appeared that he had brought in the name of General Gower a good deal.

President.—If there be any difference of opinion the Court must be cleared, and not have it argued in the open Court.

Judge Advocate.—Perhaps the Court may think it expedient to wait till the difficulty arises, but I thought it proper to state it at first. It will be proper General Lumley should understand clearly, that the evidence he is called upon to give, applies to the subject of the charges against Lieutenant General Whitelocke.

General Harris.—General Lumley is fully aware of that, I am sure.

General Lumley.—Undoubtedly, if I may be allowed to add a single word, I think it will explain it. Of course, it was merely from delicacy, lest I should be thought to mention a name unnecessarily when not called for, and frequently mentioning that name. I am soldier enough to know I must consider the commander-in-chief, at any place, as the person from whom any orders flow. It cannot rest with me, whether the order has been given with or without the authority of the commander-in-chief.

Judge Advocate.—Perhaps the Court may understand more clearly the object I had in view, which undoubtedly alluded to the order I have seen in the order book, on the 10th of May:—"Major General Levison Gower, as second in command, will be necessarily occupied, &c."

The Judge Advocate read the order.

General Lumley.—I am sorry what I expressed has been attended with so much difficulty. The arrival of Lieutenant General Whitelocke, I believe was on the 10th of May. I happened to be personally acquainted with both the Lieutenant General and Major General Gower. As soon as I heard of their arrival, when I was riding out in the morning, I waited upon them and paid my respects to them. On the 11th of May an order was issued (which has just been read by the Judge Advocate General to the Court), with respect to Major General Gower's being appointed to attend to the executive duties and localities of the situation. On the morning of the 12th of May, when I was proceeding to pay my respects to the commander of the forces, Major General Gower called me on one side, in the square of the Government-house, and asked my information with respect to the posts up the country.

Judge Advocate.—If General Lumley is about to proceed to a statement of a conversation with Major General Gower, I shall submit, that that conversation with Major General Gower cannot be evidence against General Whitelocke, unless it ended in an order from General Whitelocke.

A. It affects no one, it merely relates to the report of the places I had visited, and where the posts were, and the number of troops stationed at each. I gave him the information that he wished, to the extent of about 70 miles, where I had been up the country. Is it wished I should detail the information I gave to the Major General?

General Harris.—I fancy not, as it was not on the route the general army marched on. If General Lumley would but be so good as to keep to the paper the Judge Advocate has given him, it would save his time and our's too.

A. Then the first point I would speak to is the horses that were received. In consequence of conversations, in the course of two or three days, I think on the 15th of the month, the Major General desired me to go up the country to procure horses, to the places where we still had posts. I stated to him that it would be the readiest way, without adverting to the usual mode of calling on the magistrates of the country to procure horses, which would be the last resource, for me to go up and purchase them. He asked the price, I stated to him that four dollars was the usual price given by the crown of Spain for public horses; that probably the price would be raised in some degree, but that I had no fear of getting exceedingly good horses at six dollars a piece. I must remark, that they are as clever horses as any I ever saw in any country, this country excepted. I think a body of cavalry might be mounted as well as in this country for that money; but the want of dry food on their first arrival, and for some time after our arrival there, rendered them useless in a few days. They were obliged, invariably, to be turned out for a certain number of hours, and to be guarded. They had nothing but the open plain, which was an exceedingly rich pasture, except a kind of short sour grass, which was brought into Monte Video, called pasto. At this period the Indian corn of the country had just been cut, and exertions were making to procure as much of it as could be previously to the arrival of the Lieutenant General. On my stating this to the Major General, he said, that every exertion should be used to collect all the corn that was possible, if I would exert myself in the mean time in

procuring horses. I remained in Monte Video till the morning of the 20th of May. About the 18th or 19th the Major General found fault with me for not having gone sooner. I stated to him that I had previous communications to make with persons in Monte Video (whom I hope the Court will excuse my naming, lest it should be injurious to them) and also with persons up the country. On the 20th of May I proceeded up the country by a small village called La Spedos, to a place called Canalones, which is also called Guadalope. During the few days I was up the country, I certainly corresponded with Lieutenant Colonel Torrens, the military secretary. As the correspondence was to be in writing, I thought him the proper person to write to, or if he was not, I supposed I should be set right by his answer. The correspondence continuing through him, I concluded I was right. Upon my arrival at Canalones, I found the large rivers that lay beyond it, which I intended to pass over with some detachments to procure horses, or to have horses sent over to me, exceedingly overflowed earlier in the year than usual. The light troops of the enemy (they could hardly, indeed, be called light troops) the banditti of the country, had increased in all parts, on the borders of these rivers, and had deterred the people with whom I had communicated, by sending up the country to them by private messengers, from bringing horses. I consequently could not proceed beyond these rivers as I had wished, without some considerable degree of difficulty, and without a reinforcement. The rivers of Great and Little St. Lucia, and the river St. Joseph, called by the Spaniards St. Chosa, are the rivers which I allude to. I consequently wrote to head-quarters for a reinforcement, which was ordered off on the 23d, and arrived on the 24th; but at the same time with a precaution not to run any risks. I was particularly directed not to

get into action, if I could help it, but to preserve the troops for other purposes; consequently I was prevented crossing the river, as it could only be passed by fords, which, at that time of the year, obliged the horses to swim, or at ferries, where there were only single small boats, which would convey but a few at a time; I consequently was obliged to content myself with the few I could procure in the neighbourhood of Canalones. Having collected about an hundred, besides some few that I left to replace those that were worn down at Canalones, I wrote for permission to return to Monte Video, as I thought I could be of no more use there. In consequence of a letter, in answer, from Colonel Torrens, I returned to Monte Video on the 29th or 30th of May, I will not be positive as to the day, but I think it was the 29th, leaving directions with Lieutenant Colonel Lloyd to procure as many more horses in that neighbourhood as he was able. I should have added, that I was instructed soon after I went up the country, to give any reasonable price as far as a doubloon, if I found it necessary, and I did so. Upon my return to Monte Video, I of course went to pay my respects (it being late in the evening) to the Lieutenant General and the Major General the next morning. Almost immediately afterwards the Major General found very great fault with me for fixing the price at six dollars, and said that I had lost the opportunity of getting horses in consequence of that. I begged leave to assure him that that was not the case, that as we raised our price the people of the country would raise theirs; and that I hoped soon to have an opportunity of proving to him that I was not mistaken. I then proposed to him a plan which I had still in reserve, that of calling upon the magistrates (the Cavildo they call them) of Monte Video, to send out and collect horses in the way they had been accustomed always to do for the King of Spain.—On the 1st of June the order was

was issued to them accordingly, and on the 4th (I think it was either the 4th or the 5th) they brought in about 500, of which a certain number were immediately chosen to complete the artillery, in the first instance, to the number they were ordered to embark, and then the cavalry were also completed to 160, as ordered. We had several more remaining, a considerable number above 100, between 1 and 200, the worst of which were turned out to grass, under the care of the Cotepass, the bailiff of the king's lands, a kind of land steward, and the rest turned over to the charge of the 20th dragoons, there not being room to take any more on board. Some very few more were afterwards put on board without any order, finding there was spare room in a ship for one or two horses more. During this period the mounted cavalry had come down the country from the outposts, under Lieutenant Colonel Lloyd, and embarked on the 2d or 3d of the month, some on the 2d, and some on the 3d, as part of the mounted squadron before-mentioned, with such horses as were fit. With respect to the food for the horses, I was made acquainted by Major General Gower, that the commissariate would take care of that. I had been authorised, by an order of the 8th of May, to give directions with respect to the feeding of the cavalry, having previously stated the quantity of Indian corn I thought necessary. On the 3d of June a general order had been issued, with respect to the lessening the baggage of the army; and I think immediately after the king's birth day, the 4th of June, Major General Gower visited the stores of the 9th and 17th light dragoons, and found exceeding great fault with the quantity of baggage he found in the barracks, and in the casements under the walls of the town; and in consequence insisted upon its being removed. I pointed out to him that there were a considerable number of supernumerary cavalry appointments from various causes, from casualties, and

other things in store, which, in my opinion, at that distance from England, were extremely valuable; he said he did not care, that they must be done away—the whole of them, and the stores entirely cleared; he not only said that, but he added that the dragoon himself must be lightened. I of course remonstrated that day very strongly with him upon the subject of the general destruction of the stores, or sending them away; and on that day the subject did not finally come to a conclusion, except his persevering in his opinion. The next morning I waited upon him again, at his own house; after having had much conversation with the two commanding officers of those regiments, Colonel Mahon and Lieutenant Colonel Lloyd, in which they stated to me that it would be the total ruin and the destruction of their regiments, that if the men lost any thing, there would be no means of replacing it: and that if recruits came out from England they of course would not come with saddles, and other appointments, unless required so to do. I had previously expressed the same opinion to Major General Gower, and that they would likewise be personally responsible to the Colonels of the regiments for the destruction which would be so occasioned. In consequence of this, as I before stated, I waited upon him again the next morning on the subject, to remonstrate, as I thought it my duty to do. I began by stating the objections, as before, to him, how totally destructive it would be to the service; that they were perpetually losing some of their accoutrements, many of the horses being wild, required breaking in, and besides the wear and tear, and the destruction that must be occasioned by the nature of the service, the wetness of the winter season, which was then coming on, and the impossibility of procuring supplies from England in any reasonable time, at that distance, and that consequently they had great reason to fear that the cavalry, for whom we

had procured the best horses, would most of them, for want of a sufficiency of corn, be very soon dismounted. The Major General grew extremely warm upon the subject, and said, Then we are at issue——

General Dundas—This has nothing to do with the charges against General Whitelocke.

General Lumley—It is necessary to state this, on account of the subsequent reference to General Whitelocke. I conceive it is necessary to state this, on account of the important consequences. The whole of my conduct is in question in this; I shall be liable to be called to account for it hereafter, if I do not state it. I made answer, By no means at issue, Sir: I am too old a soldier to disobey an order, if a peremptory order be given, but I thought it my duty to make this formal remonstrance. He made for answer, That is what we wish for. He invariably spoke to me in the first person, either I or we. We wish to do it through you, otherwise we must do it ourselves. I ventured to add, as the last remark upon the subject, that it was contrary to the orders and regulations on that subject, laid down by the King and the Commander-in-chief.

General Dundas—Would there be any impropriety in requesting the witness to come to the point, whether these articles were destroyed?

General Lumley—I felt it necessary, as I was responsible for the direct breach of an order, as I conceived, to state this, as it bore on my mind at the time, and does now, that it was directly contrary to the King's orders——

General Dundas—You have already stated, that you objected to this order of Major-General Gower's,—Are we to understand that, in consequence of it, the stores were destroyed or not?

President—It would be better that the Court should not propose questions to Brigadier General Lumley, till he has finished.

General Lumley—I believe the Court will find it necessary to go through this, on account of the appeal I made to Lieutenant General Whitelocke on the subject. Major General Gower stated, that he did not care for the King's regulations in that country; that they could have no force in that country; and that they meant to establish a new æra in that country.

Judge Advocate—I early stated the difficulty which I feared the Court would find in proceeding in the examination in the way General Lumley seemed disposed to conduct it, without coming to some rule with respect to the conversations, and the orders which General Lumley received from General Gower, the Court seemed to think, that the best mode they could adopt was to allow General Lumley to proceed in his examination, and then to interrupt him when they conceived he was going into a detail of conversations with General Gower, which did not apply to the charges against General Whitelocke. Undoubtedly, I have for a long time been extremely anxious to interrupt General Lumley, with a view to save both his time and trouble, and that of the Court, because it does appear to me that a great deal of what he has stated is evidence entirely inadmissible in any Court whatever. We have had a long detail of conversation between Brigadier General Lumley and two other officers, Colonel Mahon and Lieutenant Colonel Lloyd, that is merely hearsay: it cannot affect General Whitelocke—it cannot affect General Gower—and it is no defence for Ge-

neral Lumley, supposing his character or conduct was called into question, which undoubtedly it is not. I was not exactly aware whether, in the end, it might not come out that this conversation was immediately repeated to General Whitelocke, and so it might be brought to bear upon these charges. As far as we have gone, there does not appear to be any evidence from which it is possible to draw the inference that General Whitelocke was aware of that conversation, or knew of it; I therefore do submit, for the sake of the regularity of the proceedings of the Court, that the latter part of the conversation should be struck out; at the same time, whatever evidence General Lumley has to give of his opinion of the propriety or impropriety of destroying the stores, is evidence, but the conversation is mere hearsay, never coming to the ears of the person intended to be affected by it, and clearly evidence to which the Court ought not to give any weight at all. I therefore submit to the Court, that the latter part of that should be struck out—I mean, the whole of the conversation between Brigadier General Lumley and Major General Gower, and also Colonel Mahon and Lieutenant Colonel Lloyd.

Sir John Moore—It appears to me clearly now, that we have sat here for an hour, and received no information whatever: all that we have heard, which bears upon the point, might have been stated in three sentences—how many horses were procured, and so on?

General Harris—It appears that General Lumley thinks it necessary to account for his own conduct, which is not at all necessary.

General Lumley—It appeared to me, that that came within the question which relates to the care and preservation of all cavalry appointments, which was the reason I entered into that statement.

Sir John Moore—If afterwards, when you came to land at Ensanada, you could not mount the cavalry, owing to these causes, then would be the time to state it, and then go on.

Judge Advocate—I conceive the order for the destruction of the stores was extremely material, and that what was done in consequence by General Lumley is extremely material; and I conceive that the conversation which General Lumley was about to state, when interrupted, he had with General Whitelocke on the subject, is extremely material likewise, or at least may be extremely important, on the subject of the charges. The moment General Lumley was interrupted, he was about to state, that he felt the objections he has stated so strongly, that he represented them to General Whitelocke: that I conceive to be clearly evidence; but, before he proceeds, I must put it to the Court, whether that part of the statement which relates to the conversation with Major General Gower, and also Colonel Mahon and Colonel Lloyd, should not be struck out.

Sir John Moore—I should think so: it does not appear to be in the least degree evidence.

General Lumley—The reason I stated it in that way was, that the order afterwards was verbal, unless as stated in the written order: I could not obtain a written order. The colonels of the regiments demanded a written order from me: I said I had not received one; that I would obtain one

if I could; but I could not obtain one. I hope the Court will excuse me: it was extremely natural I should wish to give this explanation.

Judge Advocate—It is extremely natural, that Brigadier General Lumley, or any witness called here, should not be aware of the precise rules of evidence. I hope General Lumley will not consider that it is necessary for him to excuse any conduct he has pursued, inasmuch as a witness called here is not put upon his trial. I have ordered to be struck out of the minutes the part which relates to the conversations with Lieutenant Colonel Lloyd and Colonel Mahon: I have not ordered that part which relates to the conversations with General Gower to be struck out, because I understand it to have been the opinion of the Court, that the orders General Gower delivered to the witness must be considered, at present, as proceeding from the commander of the forces; at the same time, if the Court were not of that opinion, I should undoubtedly submit to them the propriety of striking out the conversation I have just alluded to, between Brigadier General Lumley and Major General Gower; but if General Gower is considered by the Court as the channel through which the orders of the commander of the forces were communicated to Brigadier General Lumley, in that case I consider the conversation as evidence.

Sir John Moore—It does not appear of much importance, whether it was given by General Gower or General Whitelocke, or not given at all.

Judge Advocate—We have not at present come to any order for the destruction of the stores; all

that General Lumley has yet told us is, that there was a general order issued on the 3d of June, as to lessening the baggage of the army.

A. In consequence of this, it was about the time we usually went up to head-quarters to receive any orders, if there should be such (there seldom were any), Major General Gower having been in conversation with the Lieutenant General for some short time (this was from the 6th to the 7th of the month), Lieutenant General Whitelocke called me up to speak to him. This conversation passed in the presence of Major General Gower. I will either state it in short or in detailed conversation. He confirmed the directions of Major General Gower, and desired that no difficulties might be made——

Judge Advocate.—In this instance, I think the conversation should be detailed.

A. Lieutenant General Whitelocke called me up to him, and said,—I am sorry there should be any discussion on any business, just at such a moment as this. It is very awkward; and you must be aware that it is not possible to have such a quantity of baggage following the army, moving about, or to be left in store to be guarded, when the cavalry shall be marched up the country. I think the Lieutenant General said he should have the care of the baggage when the cavalry was sent up the country, and that it was impossible he could take charge of the stores when the cavalry marched up the country.

Q. Who is meant by he?

A. The commander-in-chief. That it was impossible he should be responsible for the care of

the stores. Some further conversation passed generally with respect to the subject, which ended with a direction that the order might be obeyed.

Q. Will you state what order?

A. The order that General Gower had finally given that morning, for removing the whole of the baggage out of the stores. It was worded in this way—I said it must be either destroyed, sold, or sent to England. The answer was, Let it be then.

Q. Was that order in writing, or verbal?

A. Verbal. I requested a written order: I wished the commanding officers to have a written order, and I was referred to the order of the 3d of the month; that that was sufficient. I consequently gave directions to the commanding officers of the two corps accordingly; and the following morning I reported to Major General Gower, that the whole of the baggage of the 9th light dragoons would be made away with by eleven o'clock the following day; and with respect to the 17th, that the order would be put into execution with them as soon as Lieutenant Colonel Lloyd could disembark, and bring a sufficient number of men with him to clear the stores. It is to be understood with respect to the order, that it was every thing but what belonged to the effective men, or those who were expected soon to recover from temporary sicknesses. On the 11th of June a board was ordered to assemble on the very subject of investigating baggage, and saying what ought to be kept: that was subsequent to what had passed with respect to the cavalry arrangements; but the board never assembled. With respect to the transporting the cavalry to the south bank of

the river, the numbers that were allowed to embark, that it was stated by the Quarter Master General could be embarked, they certainly were put on board, I believe, the best ships that could be procured; the births where the men had slept were knocked away, in order to make room for the horses; and corn, and what cut grass could be procured, was put on board for the horses, three weeks corn for each horse: the dragoons and horse artillery were the first embarked, and the dismounted dragoons next, who were ordered to take all their horse appointments with them. I am desired to state the number of dragoons actually mounted:—there were one hundred and eighty seven, including officers, quarter masters, serjeants, trumpeters, and rank and file; there might be one or two more; they certainly were many of them exceedingly good horses, but in low keep, but likely to turn out very useful, and superior to the horses the people of the country rode, after having been properly fed for some time, because the horses of the banditti of the country, as we used to call them, (as they were not dressed like soldiers, and would rob and plunder, as well as endeavour to oppose us) were always grazed—were never fed upon corn. From the period of the arrival of the forces under Brigadier General Craufurd, the brigades were arranged; I believe it was the 14th of the month of June Brigadier General Craufurd landed, and the first arrangements of the brigades were made on the 15th; at that time I was continued with the cavalry brigade, and I sent, by permission from Lieutenant General Whitelocke, directions up to the commanding officer of cavalry at Colonia, that probably he would be permitted to embark horses: I sent him written instructions how to proceed with

respect to the feeding of them, and other necessary points, Lieutenant Colonel Bourke, the Quarter Master General, having proposed that some horses should be embarked at Colonia, if possible. Upon the 18th the brigades were newly arranged, and I had nothing further to do with the mounted dragoons. I have only to add, that they never were in front with the division with which I marched, after landing at Ensanada de Barragon, except about twelve, as escort or orderlies to Major General Gower, and one or two with Brigadier General Craufurd and myself. Lieutenant Colonel Lloyd will be able to state the rest. On the 18th I was appointed to the brigade, consisting of the dismounted part of the 17th dragoons, and the 36th and 88th regiments of infantry. I embarked on the 20th in the Agincourt transport, and the whole fleet re-assembled off the Ensanada de Barragon on the 26th of June. A circular order was received on that or the following day, to put the spirits in the smallest casks we could find, to be conveyed on shore; an order dated on board the Neriade on the 25th. On the 27th the final arrangements were made for landing, and on the 28th, in the morning, the landing took place about a mile and a half or two miles from the village of Barragon; the troops were ordered to cook and land with three days provisions of bread and pork, which was done. On the 28th, in the evening, I was directed to advance with my brigade as far as the utmost point of the village of Barragon, to the furthest houses, and to get the brigade put up in the houses as well as they possibly could, as far as the space would allow it, the Quarter Master General assisting in dividing the village between the two brigades, my own and Colonel Mahon's which lay on the

right, and the remaining part of Sir Samuel Achmuty's, which fell at that time into the rear. The whole of the ground about the landing-place and round the village was extremely low and swampy; consequently, as few picquets were thrown out for the defence of the army as possible, for advanced posts, and the more so, as we were given to understand there was an advanced corps under Major General Gower upon the heights which lay before us. Nothing particular occurred that night. We were ordered to march the next morning at nine o'clock, that is, on the 29th. We did march nearly at that time, my brigade leading the line of march, with a few of the rifle corps in the front, I believe one half of the rifle corps covering our front, and some few cavalry; I did not notice the number attending upon the commander of the forces, I believe. We proceeded for some considerable distance through the same wet swampy ground, until we arrived at an extremely deep marsh, which was up to about the men's middles, in a heavy kind of mud that it was difficult to ride through. Previous to arriving at it, might be perhaps about two miles, and the deep morass itself about a mile and a half or two miles in extent, before we got clear of it. After that we passed two or three extremely deep drains, and after marching about eight or nine miles, we arrived at the heights, where Major General Gower had been posted the night before. The 36th and 88th regiments were then ordered to proceed with the Major General, who was waiting on the heights for them. After some conversation between the Lieutenant General and the Major General, I was ordered to proceed with that part of my brigade, and put myself under the orders of Major General Gower. Soon after

we had moved on, as it appeared to me that we were likely to be farther separated from the shipping, and that consequently our communication for provisions might be liable to be cut off, I proposed to the Major General to allow me to return to the 17th dragoons, to bring up four or five peons, a kind of servants that I had obtained permission to have attached to the 17th, as I stated to the Major General they would probably be of material use in advancing in procuring cattle. Is it the wish of the Court I should detail how the troops were provisioned?

Judge Advocate.—It appears necessary for the information of the Court. Were you at all under the immediate command of General Whitelocke during the march?

A. I was constantly with Major General Gower from this time until the 3d, when the Lieutenant General came up with us at the place de Miserere. I did occasionally see the Lieutenant General about an hour on the 30th; he rode past me to converse with the Major General, and on his return he said, "Good day, I shall see you again at Reduction."

Judge Advocate.—The only part of any conversation you had with Lieutenant General Whitelocke you are requested to state, is any thing that relates to the subject of those charges?

A. I have stated to the period I left General Whitelocke; the remainder of the time I was under the command of Major General Gower, until the Lieutenant General arrived with a brigade under the command of Sir Samuel Achmuty, about the middle of the 3d.

Judge Advocate.—The period to which General Lumley was required to state, does not stop with the arrival of Lieutenant General Whitelocke, but extends to the close of the 4th of July.

A. On the 3d, about the middle of the day, I cannot exactly say at what time, the troops of the advance under Major General Gower had been ordered to fall back a little from the ground they had occupied in the morning, and the light troops had been ordered to withdraw, with the hope of inducing the Spanish troops, who were firing on our out-posts, to come out, so as to enable us to bring them to action, if possible. We were in that state when the Lieutenant General arrived with the brigade under Sir Samuel Achmuty: we had fallen a little back from the point we had occupied the night before. Sir Samuel Achmuty having been ordered soon after the arrival of that column, to occupy the ground upon my left, his column was passing along the front of my brigade; at that period some of the loose horsemen of the enemy were firing on his column as it was moving. The men of my brigade were ordered to be supplied with fresh meat from the cattle we had found on the ground, but we had no opportunity of cooking it before the evening closed in, and we were ordered to occupy houses about half a mile, or three quarters of a mile in front of our then position. We had been directed to apply for biscuit at a house known by the name of Mr. White's house, some little distance in the rear, which was afterwards considered as head quarters, and we procured about the quantity of a biscuit a man, and a certain portion of wine to each man, which we had found in some of the houses of the cantonments we then occupied. Nothing particular

occurred after the close of the evening; the firing ceased; each brigade threw out its own picquets, and advanced guards, and I believe some of the light troops had again been thrown in the front; some of the battalion of the rifle corps chiefly to our front. On the morning of the 4th, the troops were under arms about break of day, and about the same period Captain Maxwell, Aid-de-camp to Major General Gower, came to me with orders to repair to head quarters, to Mr. White's house, as soon as I could; the commanding officers of corps were also ordered to attend. After having delivered the orders to me, Captain Maxwell asked me to direct him to Sir Samuel Achmuty.

Judge Advocate.—It is not necessary to put that fact down.

A. In consequence I went down soon after to head quarters. I cannot state exactly what the hour was, but I found I was in sufficient time, as we had a considerable time to wait for Sir Samuel Achmuty, who was not arrived. After waiting for upwards of an hour, whether Sir Samuel Achmuty was arrived or not I do not know, the Lieutenant General began to explain his intentions with respect to an assault upon the town that day at twelve o'clock, stating that the bad weather and the probability of still worse weather, the state of the troops, with respect to their being harassed and exposed to an inclement season, and with great want of provisions, induced him to adopt the measure of assaulting the town, in preference to adopting any other measure. I should add in addition to this, the Spanish General having refused to listen to terms; but for further particulars, and a more

general detail, he referred us to Major General Gower, who then proceeded to point out to as many as could collect round him, on a plan of the town which lay in the room, and at the same time directed as many as could assemble round a small table which was there (the room being but small), to copy off the instructions he then laid before them. Those who could not at the moment copy them, to procure copies from the others who had taken copies. He then proceeded upon those orders, in addition, to detail how they were to act with respect to advancing, and he repeated the caution, which is likewise in the orders, that the right brigade were to avoid bearing to their left too much towards the centre of the town, and the brigade I commanded to avoid bearing too much towards its right. We were told, that the fire commencing from the cannonade in the centre would be the signal to advance. I ventured to ask what was to be done in case we met with greater opposition than there might be reason to expect, or than we could well oppose? I was told that that was partly answered by the orders. We were to penetrate to the river, if possible; that we were to place ourselves as far in advance as we could, taking care to occupy the houses on our left in preference to those on our right, for fear of our being induced to incline to our right, by which we should be exposed to the fire of our own guns. Sir Samuel Achmuty had, during this period, arrived, but I did not notice at what time; but, in consequence of his being so late, a discussion took place, whether, in the first place, it was possible the attack could be made at the time named, twelve o'clock that day; for which purpose the commander of the forces called the officers commanding brigades round him to consult upon the point; it was soon decided that

it was impossible it could take place so soon as twelve o'clock: he then was desirous to know our opinion, whether it would be better it should take place that day. There was some little conversation, and he proposed for our opinions, whether it was desirable it should take place that day, or not till the next morning. I believe Sir Samuel Achmuty gave his opinion first, and I was appealed to likewise with respect to my opinion, which was, that it was certainly better to postpone it till early the next morning. I had several reasons for giving that opinion. After the opinions of all that he consulted were taken, it was decided on that the assault should not take place till the next morning, that is, the 5th at day-break, and the hour fixed was as near as they could guess, the day breaking half past six. The same instructions and arrangements standing good, that had been given before the time was changed. Previous to my leaving head-quarters, the commander of the forces desired me to send for my brigade major, and order that he might go again into the town with a summons, in the hopes of saving the effusion of blood, which might be expected in case of an assault. I do not recollect whether he, or whether Captain Whittingham, went into the town: I have reason to believe that one of them did, but I left head-quarters as soon as was set at liberty; I hastened from head-quarters to return to my brigade, as I had reason to suppose they were still under arms, and the firing had grown very brisk again at the out-posts. Very soon afterwards the line was ordered to be withdrawn, to occupy the same ground they did the former day, and the light troops in like manner recalled and ordered to fall back. We were then directed to procure provisions: there were still

oxen alive in the Corral: each regiment was ordered to send butchers to procure the meat, which was done; butchers were sent, but the troops were ordered to remain under arms. Before the butchers could return with the meat, one half of the 88th regiment, under the command of Major Vandeleur, were ordered to the advanced posts to relieve the light troops, who were completely exhausted. Very soon afterwards, the other half of the regiment, under their commanding officer Lieutenant Colonel Duff, were ordered to support the other wing of the regiment, and again shortly after that the 36th were ordered to support them, and I was ordered by Major General Gower to take the direction of the out-posts for the day. I consequently advanced with the 36th, to give the directions I thought necessary, receiving as much information as I could from the senior officer there. It may be unnecessary to detail what occurred at the outposts, except that the 38th lost several men in a very short time, from the nature of the service being new to them, more than the rifle corps did. After that, I saw no more of Lieutenant General Whitelocke during that day. The Adjutant General, Lieutenant Colonel Bradford, came up to me, to report to me, in the course of the evening, that my brigade should be relieved, as they were to go on to the assault the next morning, by the 9th dragoons: by some mistake, they did not arrive till nine o'clock at night, and it took, of course, some considerable time to relieve the posts, so that the whole of the brigade did not get in, I think, till near twelve o'clock. I went to make my report to Major General Gower, who was at a house with Brigadier General Craufurd, a little nearer than Mr. White's house, close on the edge of the Miserere. I did my utmost to

procure my troops a little wine again, and a small quantity of biscuit. I believe those who got in first got a little meat. There is nothing particular that I recollect to add, up to that night: the troops, it must be understood, returned to their former cantonments, which they had been in the night before.

Adjourned to to-morrow morning ten o'clock.

TENTH DAY.

TUESDAY, FEBRUARY 9, 1808.

Brigadier General LUMLEY called in again.

Judge Advocate.—The Court, I presume, will, in the case of Brigadier General Lumley, follow the same course which they have with the other witnesses, namely, after his narrative is concluded, to have it read over to Brigadier General Lumley, in order that he may suggest any alterations or amendments he sees necessary to his evidence.

The evidence given by Brigadier General Lumley yesterday was read over, and the following corrections were made:

After the words, “with or without the authority of the commander in chief.”

General Lumley.—That will not be perfectly understood without explanation. I would add, where the second in command, or any other person, has been stated in orders, such as the order of the 11th of May, to act for himself with respect to the details; that was an order stating Major General Gower to be appointed second in command, and to attend to the details and localities of the situation.

After the words, “and the rest turned over to the charge of the 20th Dragoons.”

General Lumley.—In justification of myself with respect to the price I had fixed for the horses, I beg to state that the cavildo them-

selves, when I asked what I was to pay for the horses I took of them, choosing the best, said they hoped I would not conceive six dollars too much, as they found I had paid that up the country. Whether the Court will consider that of any consequence I cannot say.

Judge Advocate.—It does not seem to have any reference to the charges.

General Cuyler.—Not the least.

After the words, “for the cavalry for whom we had procured the best horses.”

General Lumley.—For most of whom we had procured the best horses, there were only 160 mounted. I had great reason to believe that the cavalry, if they were mounted, would be very soon again dismounted; that the cavalry for whom we should be able to procure the best horse, would thus be again very soon dismounted for want of appointments.

After the words, “that they meant to establish a new æra in that country.”

General Lumley.—If the Court will allow me to add; here is a very strong expression, and therefore I think it justice to myself and to the Major General, to state what passed afterwards.

Lord Cathcart.—I understood all this was struck out by order of the Court yesterday.

Judge Advocate.—When Brigadier General Lumley was stating a conversation with Lieut. Colonel Lloyd and Colonel Mahon, it appeared to the Court to be hearsay evidence, and not to be admitted: at the same time, if they admit any conversations between Brigadier General Lumley and Major General Gower, on the ground that Major General Gower was the channel through whom the orders of Lieutenant General

Whitelocke were communicated to Brigadier General Lumley; that I apprehend to be the only principle on which they can receive any conversations between Major General Gower and Brigadier General Lumley. If the Court are still of opinion, that, upon that principle, namely, Major General Gower was the channel through which the orders of the commander of the forces at Monte Video were communicated to Brigadier General Lumley, renders any conversation between Major General Gower and Brigadier General Lumley, evidence; upon that principle, unquestionably all the conversation which passed relative to that subject must be considered as evidence: if they are of a different opinion, undoubtedly it is evidence which ought not to be admitted.

General Harris.—I should conceive, if it is admitted, Brigadier General Lumley should be at liberty to account for it, to say what he has still to say upon it. I do not wish myself that it should stand there at all, but if it does stand, I should conceive Brigadier General Lumley should be allowed to continue.

Judge Advocate.—If the Court think it right to take a part of the evidence of conversation passing between the witness and Major General Gower, I apprehend they would think it right to take it all.

General Harris.—Certainly; that is my wish.

Sir John Moore.—Do not you think the substance would be better than the words on such an occasion as this? It would be more decent.

Judge Advocate.—If Brigadier General Lumley had stated the substance instead of the words, that certainly would have saved Brigadier General Lumley a good deal of trouble, and I apprehend that is all the Court wish.

Sir John Moore.---The substance of the conversation, namely, that Major General Gower insisted on the stores being destroyed, would be quite sufficient.

General Lumley.---I was stopped by the Court at that part of the conversation, or I should have gone on to state what Major General Gower said in addition, which was this; "I tell you very fairly, I think all armies move too heavily, and that the British cavalry is frequently useless, owing to being so heavy in themselves, and we must lighten them to act against the enemy we have to deal with. No army has been fit to move yet, on account of its being so heavy: I do not mean only the British army, but all armies."

After the words, "the answer was, let it be then."

General Lumley.---The answer had been, let it be then.

After the words, "the order was, every thing but what belonged to the effective men."

Lord Cathcart.---I should doubt whether that is exactly the word General Lumley would wish to use.

General Lumley.---The order alluded to all such men as were fit for duty at the time, or those likely to be fit to be again effective in that country.

After the words, "on the 27th final arrangements were made for landing."

General Lumley.---It is perhaps, proper to state, that when I went on board the *Neriade*, on the 27th, to know whether there were any particular orders, the Lieutenant General said he had received information that he could very soon mount the whole of the cavalry, and he therefore re-

requested that I would cause the whole of the cavalry to be prepared to disembark their horse appointments as soon as possible, and to make all arrangements to secure the horses as soon as brought. I said I should direct the 17th dragoons to land with their snaffle bridles, and should recommend the same thing to Colonel Mahon, who commanded the 9th light dragoons.

After the words, "I do not recollect whether he or Captain Whittingham went into the town."

General Lumley.---I am pretty certain, on recollection, that it was Captain Whittingham, but I cannot speak positively: the name of my brigadier major was Roach. There is one circumstance I forgot yesterday: before I left headquarters, I was directed to reconnoitre the four roads, down which the four columns of my brigade were to march, in order to enter the town; but I had no time to reconnoitre. In consequence of what passed, being on duty with my brigade, I was ordered to fall back, and afterwards to proceed to the out-posts with my brigade. I had two of the roads pointed out to me by Mr. White; the two roads on the right.

After the words, "they did not arrive till nine o'clock at night."

General Lumley.---I cannot speak positively to the time the 9th arrived; I think it was about that time, but we had no light.

After the whole of the evidence of yesterday had been read,

General Lumley.---In conclusion to my evidence, I think it material and of essential importance that it should be put upon record with it, that having been called upon oath to answer to general and circumstantial interroga-

tories which are upon the minutes, I thought it but justice to myself, and to the gallant army with which I served, (and it seemed to me the wish of the Court) that I should give a general statement of such arrangements and occurrences as took place within my knowledge, without any consideration whom it might criminate, or whom it might justify. I thought so; in some parts of my evidence I was stopped by the Court. If direct questions had been put to me, I should have given as direct and simple answers as I could have done. I wish to state this merely as a justification of myself: I wish it to be upon record what I have said.

Judge Advocate.---If Brigadier General Lumley wishes that explanation of his evidence to be taken down, undoubtedly the Court will accede to his wishes upon that subject.

General Lumley.---In some parts it appeared to the Court as if I had been too diffuse, and in other parts I was stopped; my narrative was broken in upon.

Judge Advocate.---I feel it to be due to the Court and to myself to apprise Brigadier General Lumley, that the only instance in which he was stopped in his evidence, was when he was relating a conversation which had passed between him and two other officers, which conversation was, upon every principle of law, inadmissible as evidence: that, as far as I recollect, was the only instance in which Brigadier General Lumley was stopped in his evidence; and it is now for him to consider whether, that being the case, he would wish what he has stated to remain upon the minutes: if he does, I should wish also that what I am now stating may appear upon the minutes likewise, otherwise it would appear as if Brigadier General Lumley had been stopped in his narrative on points relating to the charges.

General Lumley.---There were various occurrences took place in Monte Vide, which certainly were not, perhaps, connected with the operations, which tended neither to promote nor to delay the operations afterwards: if I had gone through the whole detail, it might have been prolix, and unnecessary likewise. From the 29th of June to the 3d of July, nothing passed on the subject: I gave no detail of those marches which I was directed by the paper to give from the 29th of June to the 3d of July, conceiving I was directed not to give any detail of them.

Judge Advocate.---It certainly is unlucky that Brigadier General Lumley should have a good deal misunderstood the object of his examination: undoubtedly the object of his examination, as he will find by the paper, was to state every circumstance he was apprised of with respect to the charges preferred against Lieutenant General Whitelocke, from the period when any preparations were making for the conduct of the expedition at Monte Video, to the period of the close of the 4th of July.

General Lumley.---Undoubtedly, so I conceived, and during the days from the 29th of June to the 3d of July, there were things which I observed; but I was directed to proceed till I met with General Whitelocke again: of course things must have occurred, with respect to which I have given no evidence on those days. I understood from the Judge Advocate General that I was not to give any evidence whatever upon those days, from the time I parted with General Whitelocke personally, till the time he joined the advanced division again at the Miserere.

Judge Advocate.—I was unfortunate in not making myself understood to Brigadier General

Lumley. After Brigadier General Lumley ceased having any personal communications with Lieutenant General Whitelocke, he could not give in evidence any conversations with Lieutenant General Whitelocke; but any thing which relates to the subject of the charges, he was called upon to state.

General Lumley.---I have a perfect recollection of what passed on those days, with respect to the difficulties which occurred, and the want of provisions, which struck me at the time.

General Dundas.---It is not too late to state it now.

Judge Advocate.---Not knowing what Brigadier General Lumley saw during that period, I cannot point out what facts he is to state.

General Lumley.---Then now I understand, I will state what did occur upon the march as shortly as possible.

Sir John Moore.---We know already that Brigadier General Lumley has misunderstood the nature of his evidence, because he has told us a great many things which have nothing at all to do with the charges. We want to know that which relates to the charges, and not every thing else which passed; for which purpose I really wish, and there are other members at this end of the table also wish, that those parts of the conversation between Major General Gower and Brigadier General Lumley, which have been stated, should be erased from the minutes, because they have no relation to the charges; they are indecent in themselves, to stand on the minutes of the Court, and it is not fair to Major General Gower. Is it fit, that in minutes to be read hereafter by the King, the hasty expression of an officer should be put down? Undoubtedly Major General Gower did not mean to say that the King's regu-

lations were of no consequence; but this had nothing to do with the King's regulations: there is a regulation which requires a commanding officer to take care of his appointments; but there is no regulation which says he shall not order the cavalry appointments to be destroyed, if their destruction is necessary to the service; he is answerable for them to the King alone.

Judge Advocate.—In allowing that conversation to remain yesterday, it was not with my full approbation, for I wish very much that conversation to be erased from the minutes, and particularly, inasmuch as it appears to me now, that the whole is known to be perfectly inapplicable to the charges; and I should rather conclude Lieutenant General Whitelocke has no objection to its being taken out.

General Whitelocke.---None at all.

General Lumley.---It would be more satisfactory to me, and would make my evidence shorter.

Judge Advocate.---You will strike out every thing but the verbal order to destroy the appointments. Perhaps it will better stand in this way; the whole of that evidence being omitted except the order:—that a general order was issued on the 3d to lessen the baggage of the army; that Major General Gower visited the stores of the 17th and 8th light dragoons. Will you now have the goodness to state the order made by Major General Gower, and the confirmation of it by Lieutenant General Whitelocke?

A. The whole of the baggage, except that belonging to the men fit for duty, and such as were likely to recover from wounds or sickness, so as to be again of use in that country, was to be made away with, and the stores to be perfectly cleared, and that the commanding officers might either send it back to England, or dispose of it in any other

way that they chose; the arms, of course, were not included; they were to be delivered into the engineer's department, the artillery stores.

Judge Advocate.---Perhaps it ought, in justice to Brigadier General Lumley, to be stated in the evidence, that he remonstrated against this order.

A. It certainly would be much more satisfactory to me to have it in that short way.

Judge Advocate.---With respect to the march, I would beg leave to read to the Court, and for the information of Brigadier General Lumley, the paper I put into his hands after requesting him to state what he knew with respect to the cavalry appointments, which was immediately in his department. I requested him, without entering into a detailed narrative, to state any circumstances which fell under his notice with respect to the conduct and operations of the army previously to the night of the 4th of July, as connected with the charges against Lieutenant General Whitelocke, leaving it of course to the judgment of Brigadier General Lumley to state what circumstances he saw or knew which were connected with the charges.

A. I certainly should, but I conceived I was not to state any thing after I parted with Lieutenant General Whitelocke on the 29th, till I saw him again at the Miserere. There were several occurrences, certainly, on the march, when I was with the division in advance. I will now state them, and shall make no remarks of conversations, but only the occurrences that passed on the 29th. After I was ordered to proceed with Major General Gower, my brigade occupied the height, as near as I can possibly guess, about six miles in front of the first height, where we had left the Lieutenant General; the 88th were a little in the rear, a mile and a half. On the night, the peons I had brought up with me procured some cattle for the brigade,

but the brigade had consumed their three-days provisions ; their salt provisions and biscuits were gone, in consequence of their having partly eaten them, and the wet having destroyed the rest. A very small quantity of spirits had been brought up, not so much as half a day's allowance for each man. On the 30th, we proceeded from this height, the right brigade still continuing in our front, generally about two or three miles. We proceeded about eight miles, having passed a small river that day, and occupied three positions within about half a mile of each other. I will not speak accurately to the distances, but only from calculations by my eye ; of course, in crossing the river there were delays and halts. On that night the peons again procured some bullocks and pigs for the brigade, but they had no bread or spirits. On the morning of the 1st, I sent the peons out again for provisions, and they procured some, but we had not time to cook it before we marched ; I speak specially of the 88th, with which I was that day ; whether the 36th, which was more particularly under Major General Gower, had some, I cannot say ; but the whole were without spirits and bread.

Sir John Moore.—It appears to me, that Brigadier General Lumley is only stating what we had before ; he is stating facts which are still on the minutes.

General Harris.---Brigadier General Lumley has said that he has something material to state, with respect to the march, as to the charges.

General Lumley.---I conceived this, with respect to provisions, I should be neglecting my duty if I did not state. On the 1st we advanced and passed the heights of Reduction. At nine o'clock the column under the command of Sir Samuel Achmuty, with the commander-in-chief, appeared in

sight, just as we were moving. On that day we advanced to the heights of Reduction and about three miles beyond it; in all, I should conceive about fifteen miles, wading two or three rivers, not large ones, but marshy and swampy, and occupied a position about three miles in front of the heights and village of Reduction. I do not know whether it is to the purpose to add, that Major General Gower had told me, in the course of that time (and being the second in command, I conceived it an official communication) that he intended to pass the river Chieulo at the Chico Pass, that day, but he found it afterwards impossible. A number of horsemen of the enemy annoyed our rear that day, and wounded one man severely.

Judge Advocate.—Perhaps I might apprise Brigadier General Lumley, that the only facts he is required to state, are such as apply to the charges against Lieutenant General Whitelocke. The facts of one man, or two men, or ten men, of the division to which he belonged, being wounded, I conceive, can in no shape be applicable to the charges.

A. I will leave it to the Court, whether it shall be entered or not. I, as a soldier, conceived it did refer to the charges; but I have no wish that it should be entered. In the evening we procured a flock of sheep, which were sufficient for the men that night; we were still without bread or spirits. It is impossible for me to be a judge what actually refers, or does not refer to the charges. If questions were put to me upon specific points, I should know what facts to state.

Sir John Moore.---It is impossible, if the Judge Advocate does not decide, for a witness to know what to state. If you bring a witness into Court and desire him to narrate, he must narrate what

occurs to him, and then when he has got to a certain extent in his narration, it is found inapplicable. I am satisfied the Judge Advocate has got no new information from the time that Brigadier General Lumley began this narration.

Judge Advocate.---It is impossible for me, without any previous examination of the witnesses, to know what they have to state with respect to the facts; the only course I can take with regard to general officers, is requesting them to state the facts, and the only means I have of confining their examination to what is material to the Court, is by requesting them to confine their narrative to such facts as, in their judgment, are material to the charges they have heard read; and it is with that view I have had the charges read to every general officer who has yet been examined.

Sir John Moore.—Then every evidence must narrate the whole story.

Judge Advocate.—It is one of the unfortunate circumstances belonging to this Court Martial—it is, I believe, the first instance where a Court Martial has been summoned to enquire into the conduct of an expedition. There have been Courts Martial to enquire into the conduct of a particular officer, on a particular day; but this is the first Court Martial, in the military history of this country, which ever was assembled, to enquire into the conduct of an expedition.

A. My narration may be shorter, if the Judge Advocate will stop me when it is not to the purpose; it is making me a judge of the case.

Sir John Moore.—I can answer for it, I could state those points to which alone it is necessary to examine Brigadier General Lumley, namely, the

mounting the cavalry, the number of horses, and what passed when they were called to headquarters to receive their orders; with respect to every thing else it was perfectly unnecessary to examine Brigadier General Lumley.

General Norton.—If Brigadier General Lumley proceeds, and only that part is taken down which relates to the charges, it will shorten it very much.

General Lumley.—During the night there was some rain, I believe, and they were a good deal annoyed by the horsemen again; some of them entered almost within our lines, and some of our sentries fired at them. On the morning of the 2d, I received orders from Major General Gower to be in readiness to march a quarter before nine. I think we did march about nine o'clock. We had no annoyance from the enemy then. I think we had no provision left. After giving me those directions he delivered the order I hold in my hand, just before we marched, stating to me that if any thing happened to him those were his general intentions; at the same time informing me that the 87th regiment was intended to join my brigade upon the march. The order I received from Major General Gower is in these words,—“The advanced corps to march left in front, in the following order: Brigadier General Craufurd, 95th light battalion, Brigadier General Lumley, 87th regiment, 35th, and 88th; the object to be obtained is the passage of the Chieulo, whenever it may appear to be perfectly practicable; and when over the river, the line of march to be so directed that the flank of the column shall be kept out of the reach of any redoubts or fixed batteries, which may be discovered to the west of Buenos Ayres, dated July the 2d. Major General Levison Gower particularly requests the officers of divisions will

take particular care to prevent the least possible fire on any occasion."—I should have remarked, the day before, namely, the 1st, a considerable number of the 88th and 36th regiments began to fall back perfectly exhausted. I reported the circumstance to the Major General, and some conversation passed, which I suppose is not to be related. Some time afterwards he gave an order, I think about an hour afterwards, that a hundred men of those least able to march, of the 88th, 25th, and 36th, fifteen of the light battalion, and ten of the rifle corps, choosing those most fatigued, should fall out, under the command of the field officer, to come up to Reduction at their leisure. They joined us again the next morning from Reduction, and remained at Reduction that night. Some joined us and some did not. The next day a similar order was given for a number of the men to remain behind in given proportions. We marched at nine o'clock the next morning, and the same thing occurred again; the men, still more exhausted, began struggling most exceedingly, and the brigade could not keep up with any satisfaction, the 88th in particular.—On the morning of the 2d, my brigade appeared extremely exhausted very soon after they marched, the 88th particularly so. The consequence was, we were obliged to bring them up with a rear guard as well as we possibly could, but no delay was to be made in the march. At one period there were a considerable number of horsemen came in view—the light battalion, forming my brigade, was kept a column in reserve. We likewise saw the whole of the column of the enemy, which appeared to be on the same side of the river as we then were, as if with an intention to oppose our crossing at the pass. The horsemen in front were soon dispersed, by one or two shots being fired at them, and we proceeded. With respect to the hour I cannot

particularly speak ; but about two o'clock we arrived at the Chico Pass ; the light brigade passed first, and my brigade next. Brigadier General Craufurd, who then was advancing towards the gates which lay towards the Chieulo, sent back to Major General Gower, who was waiting to see my brigade pass, with the heavier guns, to say that he meant to push on rapidly over the heights. Major General Gower sent him word that he might advance, and that he would support him. From that period, both from the delay of crossing the river, and the exhausted state of my brigade, as soon as they were gone out of sight, mounting the heights, I saw no more of the light brigade. As we were ascending the heights, through some difficult places, the Major General rode away from us. I continued on for some way, till I heard a firing begin. I urged my brigade to proceed, but they were at that time so completely exhausted they could not march above a mile and a half an hour, numbers dropping on the road every fifty yards ; my brigade major riding back continually, and telling me if I did not halt I should lose half my men. I said, with a firing in front, I must persevere to carry up as many men as I could. It grew quite dark. I had got into close ground, among lanes, and was without any other order than that I have stated. I continued to persevere to pursue the light brigade, by their firing, and sometimes by the sound of their bugles. I came up with the rifle corps, and I repeated the sounds as well as answers, to endeavour to trace the road. I sometimes traced them by a foot mark, and sometimes by these sounds ; at last I lost them entirely. I was then left completely to my own judgment how to follow them up ; and from some circumstances, thinking there was some appearance of moving to the right, and that there might be an

enemy, by which my army might be cut to pieces by them and their artillery. I bore more to the left, and fortunately came up with them just where the right of the light battalion was. I had been for an hour completely lost, and immediately formed on the right of the light brigade. I could not arrive in time to give any assistance. One man of the 88th was killed, but from a straggling party. I was never attacked. The first person I met was Major Trotter, who was then forming. I knew his voice, and that was the way I ascertained it was my troops. I rode forward, and knowing Major Trotter's voice, I brought up my brigade to the out-post. I immediately enquired of Major Trotter where Brigadier General Craufurd was to be found, or Major General Gower, he said he did not know where Major General Gower was to be found, but that Brigadier General Craufurd was on the left. I went on to Brigadier General Craufurd, and asked him where Major General Gower was; he said he was about three quarters of a mile on the left, and had sent him orders to retire. I proposed to send him word where I was before we retired. Brigadier General Craufurd said that he had received two orders, which were peremptory, to retire, but that he would send word where I was. I immediately retired. I left the grenadier company and the 36th regiment on the right, on the ground protecting his right, with the picquets he had placed. I consequently retired, following Brigadier General Craufurd's brigade, and arrived on the ground of the Miserere, where I found Major General Gower, and reported my arrival to him. From the period I began to ascend the heights it began to grow dark, and was now completely dark, I think about nine o'clock. The men had had nothing that day, and could procure nothing.

Judge Advocate—I wish that fact to be taken down, that your brigade had no provision on the 2d.

A. Except part of the mutton dressed the night before, which they might have reserved; they had no bread or spirits, nor any provisions supplied to them. They were moving from nine o'clock in the morning till nine o'clock at night, as near as I can recollect. That night the troops were ordered to form on the ground they then occupied, which of course we could not know the nature of. I was ordered to form on the left of that on which Brigadier General Craufurd formed; there was just space between me and the wood. We were ordered to protect ourselves in the best way we could, in front and rear. Brigadier General Craufurd and I made the best arrangements we could. The night was dreadfully wet, the whole of it, and the men of course lay on the open ground, as they had done ever since the first day of their march from the village of Barragon, and of course never dry owing to fording the river. Large fires had been lighted to cook and dry themselves by, by which they had got in a measure dry. I do not recollect that there was any disturbance at all during the night, nothing to occasion any alarm. We remained upon the ground with the troops. On the 3d, in the morning, the troops were ordered under arms, and formed more properly in line; the left of my brigade was thrown back in a degree, in the Corral, close behind us, on the ground, and they were ordered to send for biscuits and some spirits, which were to be had in Mr. White's house, where was found a considerable supply of biscuits, which Mr. White stated he had found, unexpectedly, in his house, supposed to be intended for the Spanish troops. I believe I have brought it down to the period when Lieutenant General

Whitelocke arrived. I do not recollect any thing else but conversations, which I am not to state.

Judge Advocate--On this narrative I have a very few questions to put to you. You have stated that the dismounted cavalry (I speak of what passed at Monte Video) were ordered to take their horse appointments with them on embarking from Monte Video: of what did those horse appointments consist?

A. Their bridles and saddles; every thing belonging to cavalry.

Q. What public cavalry stores were made away with in consequence of the order you have spoken of?

A. Not public, for they belonged to the colonel. To enter into a detail of the whole would be extremely voluminous; but they were all belonging to the supernumeraries, and all the men that were not either fit for duty, or likely to be so, as I have before stated; of course I do not allude to the camp equipage; that we had no dealing with; it was delivered out or taken from them as convenience might serve. I gave an order, and I saw the stores cleared; that is all I can say. I saw some in the street afterwards, and some sold to the inhabitants. I did not myself see the whole burned or destroyed in any other way, but I saw the stores cleared, and a particular caution was given, that they must not be in possession of them in any way. I saw some caps sold to the inhabitants. On these points the commanding officers of the regiments will be able to give more information.

Q. Can you tell the number of supernumeraries?

A. The number of appointments I am sure I

cannot recollect; as it rested between the commanding officers of the regiments and the colonels, they will have delivered in their returns to them.

Q. Was there any reason why that proportion of horse appointments, which it was not thought convenient to embark with the expedition, might not have been left in store at Monte Video?

A. I saw no reason; I know of no reason.

Q. Were the regiments composing your brigade, which had been, as you have stated, confined on board transports so many months, in equally good condition for marching as the regiments which had been longer in the country?

A. In my opinion, certainly not; with the exception of the 17th light brigade, which was part of my brigade, which had been in the country.

Q. Was the station in which Lieutenant General Whitelocke was to be found during the attack of the 5th of July, notified to the general and other officers commanding divisions?

A. No, not to my recollection, that ever I heard of.

Q. Was the place of retreat, in case a necessity for retreating had occurred, pointed out to the general and other officers commanding divisions?

A. I never heard of any point of retreat.

Q. Do you know the effective strength of the 36th and 88th regiments, composing your brigade, on the morning of the 5th of July?

A. The two regiments could not have exceeded, I think, 1000 men; of those that entered the town, the 36th was stronger than the 88th—the 36th between 500 and 600, the 88th between 400 and

500. I cannot speak positively as to these circumstances.

General Whitelocke—Was not every possible exertion within our means made to increase and render effective the cavalry during my stay at Monte Video?

A. With respect to procuring of horses it certainly was; and I believe also with respect to procuring corn for them.

Q. Had your brigade any greater distances to march on any day after you landed, than the other divisions of the army, except on the 2d of July; and did not the main division march a greater distance on the 1st?

A. That is a question it is impossible for me to answer; for I never knew where the main division was accurately, except by hearsay. I have understood they were divided on the night of the 30th. It is impossible I should be able to answer that question.

Judge Advocate—Lieutenant General Whitelocke states, that he has no further questions to put to Brigadier General Lumley until he comes upon his defence. The Court will now put any questions they wish.

Q. Did you see, or otherwise know, the contents of a letter, which Major General Gower received from Lieutenant General Whitelocke on the 2d of July?

A. I neither saw any such letter, or knew the contents of it. I must add, whether it was that letter or not I do not know, as to the sending a proposal into the town—he said, holding some paper in his hand, that he had authority from the major

general: whether it related to that letter I cannot say.

Sir John Moore—Did the men of your brigade land with blankets and great coats; and did they bring with them both those articles into the suburbs of Buenos Ayres?

A. They did land with them; but on the 1st of the month (and it is a circumstance I intended to have stated), on the march towards Reduction, before we arrived at it, the men were ordered to throw away their blankets, much about the time that General Gower had told me he intended to cross the Chieulo that night.

Q. Did the men of your brigade fall back, or appear exhausted by their marches, on the 29th and 30th of June?

A. On the 29th they certainly did; on the 30th it was a very short march.

General Harris—What were the strength of the cavalry regiments per troop, that disembarked at Ensanada?

A. Mounted, or dismounted?

Q. The whole?

A. The whole eight troops amounted to about 550 men, rank and file, mounted and dismounted. It is impossible for me to say with respect to the whole of the cavalry, for they were not under my command; I can only speak to the dismounted of the 17th, which were under my command; they were 411 rank and file, or thereabouts. I only commanded a part of the corps.

Q. When you were ordered to head-quarters on the 4th of July, to receive directions relative to the attack, did you consider yourself as called to

give an opinion on a plan proposed to be adopted, or did you express your approbation of it?

A. I certainly never considered myself called upon, in any way whatever, to give an opinion of the plan, except as I before stated, as to the time, nor did I give my approbation of it.

Q. How long were the horses on board? for what period were they provisioned? and in what condition did they disembark?

A. Most of them were on board from the 2d and 3d of June, until the day of disembarkation (the 28th); they were originally provisioned for three weeks; but I was given to understand by the Deputy Quarter Master General, that the supply was increased. The last part of the question, with respect to their disembarkation, I cannot answer, as they were no longer under my command, and I saw very few of them.

Q. How long were they on board, before the main body of the army embarked at Monte Video?

A. That question I cannot answer accurately: there appeared to be general embarkations, either of commissariat stores, or other stores, or troops, almost every day, but which I had no concern with. The troops I cannot speak to; they were not under my command, except the 17th dragoons and the 9th—they embarked the 1st, I believe. The 17th dragoons had embarked previous to the 8th; the whole of the dismounted and the mounted dragoons embarked soon afterwards: sometimes the weather prevented their embarking more than a company in a day, and sometimes they embarked stores in preference. Part of the day was employed in embarking troops, and part in embarking stores. Of the two regiments under my

command, the one was embarked on the 8th, the whole of it; the other did not embark till after the 14th: the 17th were embarked before the 8th, and the 9th did not embark till after the 14th.

General Wilford—You have said that it was completely dark when you joined Brigadier Craufurd's corps on the 2d of July; you have also stated, that your men were much exhausted during that day's march—Was your brigade in a condition, at the time of your junction, to have supported an immediate attack upon the town, had it been made by General Craufurd's corps? or was there sufficient time for it?

A. It is impossible to say what further exertions the spirits of such men would have enabled them to make; but at that time they were completely exhausted, having been marching between ten and twelve hours without any food whatever, and in my opinion their assistance would have been very inefficient. If the attack had been made, it must of course have been a night attack.

The witness withdrew.

Lieutenant Colonel EVAN LLOYD called in, and sworn.

The abstract of the charges was read over.

Judge Advocate—Did you command the 17th Light Dragoons in the expedition under Lieutenant General Whitelocke?

A. I was nominally appointed to the command of four troops of that regiment, of 40 men each, mounted with a proper proportion of officers.

Q. In that answer you are stating the command you had in the expedition?

A. Not entirely.

Q. My question applies to the command you had at Monte Video, and before the embarkation?

A. I commanded the 17th Light Dragoons at Monte Video.

Q. Will you state the effective strength of that regiment in men and horses, and in preparation for service in articles of cavalry equipment?

A. On the 1st of May we had 224 mounted at Monte Video, and the remainder of the regiment dismounted: the whole of the regiment was about 595, rank and file, at cantonments near Monte Video, at Canalones, and La Spedos. There were out of those 224 men, two troops at Canalones, and one at La Spedos.

Q. The latter part of the question is not yet answered, namely, the state of preparation for service as to articles of cavalry equipment?

A. Those that were mounted were in as good possible a state as they could be from the nature of the service they were upon; and they were kept in repair. The remainder of the appointments were in store in Monte Video.

Q. Were there cavalry appointments for the whole of the regiments in store at Monte Video?

A. Completely.

Q. Was any part of the articles of equipment belonging to your regiment made away with at any time?

Judge Advocate.—Before I proceed in the examination of Lieutenant Colonel Lloyd, I think it right to apprise the Court of the paper which is put into my hands by Lieutenant General White-locke. It states that “Lieutenant General White-locke has most cautiously avoided taking any objections, or interfering with the course of the pro-

ceeding, that it might not be supposed possible that he had any wish to prevent the fullest investigation taking place ; but the length to which irrelevant evidence must protract this proceeding, is itself a serious consideration ; he cannot therefore but submit to the Court the propriety of considering whether this evidence can affect the charges, or come within them. The subject of consideration is the attack upon Buenos Ayres, and as the Court have determined the previous arrangements for that attack, can any thing which relates to the disposal of stores left behind be essential to the investigation of those charges, if it is gone into? Lieutenant General Whitelocke must in his own justification hereafter explain it, however unimportant, comparatively speaking, it may be as connected with the charges."—Undoubtedly that is a point for the Court to consider. Whether a destruction of stores provided at home for the purposes of the expedition, if it appears to have been improperly made, or at least, the not taking them with the expedition, if it appears in the judgment of the Court to have been improperly made away with, or not been carried with the expedition when they ought to have been, that is a fact, connected or not with the expedition. I undoubtedly conceived, that after the Court had decided that any circumstances connected with the conduct of Lieutenant General Whitelocke at Monte Video, in making preparations, or in omitting to make preparations for the expedition to Buenos Ayres, was connected and came directly within the substance of the charges preferred against him, that this applied. It is with that view this evidence is brought forward to prove, so far as the evidence has hitherto gone, that stores were not properly disposed of which were intended for the service of the expedition. It is with that view that I conceive it is clearly connected with

the charges. What weight the Court will give to the fact when proved, is for their consideration; but I cannot conceive how the Court, having decided that General Whitelocke's conduct at Monte Video and previous to setting sail for Buenos Ayres, is evidence, how any fact connected with that fact is not evidence.

Sir John Moore—I think the fact does not relate at all. In the first place, it puts him on his defence on a subject of which he is not accused. It must be proved whether he did or did not order such appointments to be destroyed. Whether he accounts for it or not is no part of this charge. Suppose you prove that he did;—did it affect the expedition?

President.—If there is any discussion upon evidence, the Court must be cleared.

Judge Advocate—Before the Court is cleared I will read this paper I have received from Lieutenant General Whitelocke: "It has been proved that equipments were taken for all the men fit for duty."

The Court was cleared.—After some time the Court was again opened.

President.—The Court are unanimously of opinion, on referring to the charges, that this enquiry comes within it.

Q. Was any part of the articles of equipment of your regiment made away with at any time?

A. They were.

Q. State how they came to be made away with?

A. By order of Brigadier General Lumley.

Q. Can you state the amount of the articles so made away with?

A. Not exactly.

Q. State it with what accuracy you can?

A. There were ten sets of appointments, and a good many cloaks, boots, and things of that sort, belonging to each troop that I selected out of the worst, such as there were not men effective for, to be sent to the Colonel of the regiment: that was the order. I selected a proportion of every troop belonging to the men who had died: they were to go to England, or to be disposed of; their cloaks, boots, and such sort of things. I selected them in the streets of Monte Video for that purpose. From the hurry of the regiment in embarking I had not time to dispose of them, and an officer was left in charge of them in the street. General Gower happened to come by at the time; I was not present, but I can state the report the officer made to me; he desired him to leave them there in the street; that if he took them away he would put him under arrest.

Judge Advocate—This is an account given you by an officer?

A. Yes.

Judge Advocate—Then you need not take down that; that is so clearly inadmissible as evidence, that it should not be taken. Any thing that was done in consequence you will state?

A. A great number of these boots, cloaks, saddles, carbines, and other things, were left behind at Monte Video, in consequence of not being allowed to take them, by order of Brigadier General Lumley; and they were left in the street when we came away.

Q. Might they not have been left in store at Monte Video?

A. They were ordered to be turned out; nothing was to remain in store.

Q. Might they not have been left in Monte Video but for that order?

A. They might have been left in store at Monte Video. The only reason I believe that they were turned out was, that General Whitelocke had made an arrangement that those things should be sent to England, or should be disposed of, that there should be no more luggage remaining with the army than for the effective men: it was in consequence of that General Lumley gave these orders to us.

Q. We have understood from other witnesses, that after quitting Monte Video the general superintendence of the cavalry devolved upon you?

A. Yes.

Q. Will you state the effective strength of your regiment in men and horses, and cavalry equipment, upon the 28th of June, on the landing at Barragon. My question relates to the effective strength subsequent to the landing, not at the time of embarkation, but that which was actually landed?

A. I do not think it is possible I can do it exactly; but I can tell you very near. In the first instance, I received an order to send forty men, a captain, and two subalterns, with a proportionate number of men, with General Gower's division.

Q. I wish to know the effective strength which landed. I shall presently enquire how those men were disposed of?

A. I can tell you how many were embarked:—Two captains, seven subalterns, two quartermasters, eight serjeants, two trumpeters, 166 rank and file, and 187 horses, two of the horses died before we got there, I believe at Colonia, on the passage. Several of them were lost on disembarking, what number I cannot exactly tell. The four dismounted troops consisted of a field officer, three captains, nine subalterns, six quarter masters, thirty serjeants, seven trumpeters, and 411 rank and file.

Q. Will you state the service in which they were engaged?

A. The forty men, mounted and the dismounted, disembarked on the 28th, and joined the rest of the army at Ensanada; the remainder of the mounted cavalry the next day. Two troops were ordered to be dismounted, their saddles sent back to the ships, and to put themselves under the direction of the commissariate, to carry provisions or sick, as the occasion required. The remains of the mounted, about thirty I suppose, I joined with at Barragon, on the heights, where General Whitelocke's column of the army was.

Q. Were those thirty which you speak of, the only cavalry with the army during the march from the heights?

A. They all left me: I saw no more of them till ten men were sent back with an officer with a dispatch. I did not go with the army. All that remained with the regiment I was with, under Colonel Mahon, was forty. I was told what number General Whitelocke took with him; but I do not know.

Q. Were those thirty which you speak of, the only cavalry with the army during the march from the heights?

A. The 30th, the day after I came to Barragon, I was ordered to remain for a particular duty by General Whitelocke's order, the superintending the getting provisions for his column, which was to march that day. The 17th dragoons were ordered to remain with Colonel Mahon, and the 9th dragoons to go on with the General; in consequence of which, I became part of Colonel Mahon's brigade. The whole of the dragoons went forward with General Whitelocke and General Gower, except the number of forty, that I had with me: then I took the command of the dismounted and the mounted dragoons.

Q. Of course, not being with the army, you cannot tell the amount of the cavalry with them?

A. No, I cannot. Ten of those with the army came back with an officer from General Whitelocke, on the 2d, with an order to Colonel Mahon, desiring that he would halt at Reduction.

Q. Can you recollect whether the ten dragoons arrived at Reduction with the order you have spoken of, on the 2d, or the 3d?

A. The 2d, or the 3d.

Q. You cannot exactly recollect which?

A. No, I cannot.

Q. On what day did Colonel Mahon's brigade arrive at Reduction?

A. It was either the 1st or the 2d; I think it was the 1st.

General Whitelocke.—Was it not from the public store-houses that the stores belonging to the 17th light dragoons were ordered to be removed, by Brigadier General Lumley?

A. They were casements belonging to the garrison; but they were given to the 17th light dragoons by Sir Samuel Achmuty, for the purpose of their keeping their appointments, no private stores being to be had in Monte Video.

Judge Advocate.—I am desired to ask you what became of those stores for the 17th light dragoons, in consequence of this order: what proportion was destroyed?

A. I cannot exactly answer; but I can get a return of the numbers: there were a good many cloaks, and caps, and so on. I do not think they were all destroyed: some of the officers were obliged to take them with them.

Q. Are any of them come to England?

A. Yes, some of them are, for the officers had not time to pack them up or destroy them. I picked out the worst of the things, of course.

Sir John Moore.—Will Colonel Lloyd state generally what was done with them; whether they were left in charge of an officer, and what he reported?

Lord Lake.—Colonel Lloyd has stated that he knows by conversation with another officer only what was done with some of them.

Judge Advocate.—Have you a return of the articles which were lost, and the articles which were sent back to England?

A. There were none sent back to England. Such things as we could not take with us were left in the street.

Q. Did you bring back any with you?

A. Yes; I took some with me which I could not dispose of.

General Norton.—Those left in the street you never saw again?

A. No.

General Harris.—If the return is given to the Judge Advocate it will be made clear at once.

Judge Advocate.—Perhaps by the next meeting of the Court Colonel Lloyd will be able to bring that return with him.

Colonel Lloyd.—I shall have to send to Chichester for it.

Judge Advocate.—This is a question of General Whitelocke's.—Was any return ever made at headquarters of any loss of appointments, or any application for indemnity?

A. Yes; I made an application for a board of inquiry.

Adjourned to to-morrow morning ten o'clock.

ELEVENTH DAY.

WEDNESDAY, FEBRUARY 8th, 1808.

Sir SAMUEL ACHMUTY, called in and sworn.

Judge Advocate.—I would state to the Court that I have followed the same course, with respect to Sir Samuel Achmuty, which I have before pursued in regard to the other general-officers examined with respect to this expedition, by putting into his hand a paper, which I will read:—"Sir Samuel Achmuty is requested to begin his narrative from the time he came under Lieut. General Whitelocke's command, to continue it up to the night of the 4th of July, to state the circumstances of the particular corps under his order, its state of equipment for service, to describe the difficulties experienced by the corps under his command during the march with the main body of the army, to pursue his narrative through the different days marches; stating the appearance of the face of the country, and difficulties, if any, which presented themselves; whether any circumstances of hostility presented themselves, either from a regular force or the armed peasantry; whether any prisoners were taken; what information was received of the preparations and state of defence of the enemy, particularly with respect to the passage of the bridge over the Chieulo; what reconnoitering parties were formed; why the passage of the bridge was not attempted; the circumstances of the passage of the river by the ford; the attack and defeat of the enemy on the 2d of July; to relate all the occurrences of the

3d and 4th of July, particularizing whether any and what preparations were made by bringing up artillery, &c. what communication was formed between the different divisions of the army; what intelligence was received from the prisoners who were taken, and to state generally the efficiency of troops composing the main body of the army."

The abstract of the first and second charges was read.

Judge Advocate.—Will you begin your narrative from the period alluded to in that paper.

A. General Whitelocke landed unexpectedly at Monte Video, the night of the 10th of May, and the next morning he requested that I would consult with General Gower on all measures relative to the military. Before I could communicate with General Gower, he had already assumed a command over the troops, and issued orders from that day until the army was brigaded, a few days before our embarking for Buenos Ayres. I had no particular command or interference with the troops at head-quarters, except twice that the line was under arms, and I was requested by General Gower to take the command of the infantry. A few days after the General's arrival, I was requested by him to accompany General Gower, and examine all the ships in the harbour, and to select those that appeared fit for the navigation of the river, with this exception, I was not, to the best of my recollection, consulted or employed in any arrangements or equipments for the taking the field. In civil matters, and arrangements respecting the out-posts of the army, I was frequently, and at first generally, consulted: I was privy to many conversations at head-quarters, as to the practicability of carrying on operations at that advanced season of the year, as well as the most advisable place for the army to land. A landing above the town it was evident would be attended

with the fewest difficulties, but it was doubtful if the channel would permit our approach. The Assistant Quarter Master General had been dispatched previous to the General's arrival, with proper naval officers, to examine the banks of the river; and on his return the Deputy Quarter Master General was also sent up; and I understood from his report that it was nearly impracticable to land above the town. I was also present at an examination of many persons who were acquainted with the country below the town. From what I could collect it was very difficult, but not impracticable, to pass the morass between the river and the heights at any season; and the General assured me, that he could, without any difficulty, throw a bridge over the Chieulo: from this I concluded that he meant to land below the town; but I was not privy to his final determination. When the troops under General Craufurd had arrived, I intimated to the General that I conceived a mild but a firm letter to the government of Buenos Ayres might be attended with good consequences, and I offered to carry it myself: the General approved of the idea, and requested me to make out a draft of one. He afterwards acquainted me that he approved of the letter, but thought it advisable to delay any summons until he appeared before the town. I was unacquainted with any further steps taken to induce the enemy by negotiations to surrender the town. On the 17th of June, I embarked for Colonia, with the troops lately arrived from the Cape. I was to take the command there until the remainder of the troops came up; but I had no particular instructions respecting that post. Having a long passage, General Gower had arrived there the same day; and when I waited upon him the next morning, the 25th of June, he was dismantling the works, intending to evacuate the place: this was effected the following day, and

the troops there sailed to join the Admiral. The Admiral came to an anchor that afternoon off Ensanada de Barragon, and orders were that evening issued for the right of my brigade to land next morning: many of the ships with my brigade had not yet joined, nor was it possible to notify to them all the order I had received, or to prepare provisions. As the night was rainy, the disembarkation was not effected till next morning, the 28th: the troops landed with three days provisions dressed; my brigade consisted of the 5th, 38th, and 87th regiments, about 2,000 rank and file; the men enured to the climate and to the service, in high order, and with every necessary equipment for the field, except that, equally with the rest of the army, they landed and marched without camp-equipage or camp-kettles. The 5th regiment had just arrived with General Craufurd, in high order and equipment: a strong brigade of artillery was to have been attached to me, but it never joined me. Immediately on landing, the 38th and 87th regiments were detached from me, and I was left with the 5th at the battery near the landing-place: no opposition was made to the landing, nor did I see any of the enemy. The next morning, the 29th, I marched with the General and the main body of the army to the heights, about five miles off, through a flat country; a great part of it under water, in some places two or three feet deep, and intersected with very deep swamps. This march took us the greatest part of the day, and the troops were much fatigued. The principal Ustantia, the country-house where we halted, was not abandoned: but what information the general gained there, I am ignorant of: a few of the enemy's horse reconnoitered us. In this position, the 38th and 87th regiments were left at this station, and again joined me. The line was ordered to march at nine o'clock on the 30th; but as Reduction was two long marches from us,

and the men had but one day's provision in their knapsacks, if any remained, after the severity of a march frequently up to their middles in water, I observed to the General that I was more apprehensive of danger from the want of provisions, than from the enemy; and afterwards, upon his expressing some disappointment respecting the commissariate, and remarking that he found he must be a Commissary as well as a General, I took the liberty of saying to him, that if a General did not attend himself to the supply of his troops, they would often want provisions. Previous to our march this day, a flock of sheep had been discovered, and brought into camp; but it was so late before they could be secured, that though the General delayed the march for the purpose, few of the men obtained more than one day's consumption of meat; many of them not so much: they carried it uncooked; and some biscuit, not equal to a day's consumption, was issued on the march. My brigade came to their ground at Roderigo's house before sun-set: I was sent between three and four miles in advance, with the carabineers and the 9th dragoons, the 45th regiment, and part of the 95th: we arrived at our ground at dusk: the march this day and the next was, in general, upon rising ground, with a fine turf, but intersected every two or three miles with swamps and creeks; some of them very difficult to pass; all of them deep for the troops to wade through, who were never dry during the march: many horsemen made their appearance this day, which was the 30th, and at night there was some firing at my picquets. The next day, the 1st, my division, was under arms at day-light, waiting for the rear: they arrived at eight o'clock, they were to have joined me much sooner than that: and we again marched. I had pressed the General to let me march without waiting for him, as the march was long, and I

conceived that both divisions would move with more ease, and come sooner to their ground separately, than when united. This the General would not permit, observing, that he wished to accustom the troops to march with regularity. The march this and the preceding day had been much impeded by frequent halts; we arrived at Reduction by dusk. Most of the troops had meat issued to them in the course of the evening. We saw many of the enemy's horsemen in the course of the day, but the few houses we passed by both yesterday and this day, as well as the village of Reduction, were abandoned. Parties were ordered to Quilmes to bring up provisions and liquor, for the communication with the shipping was now restored, and butchers were sent early in the morning to prepare meat for the men. On returning from reconnoitering the next morning, the 2d, I waited on the General, and expressed my hopes that he would rest the troops, at least, that day, as they were nearly exhausted; and the advanced corps, from the numbers that were left at Reduction, appeared still more so. The General replied, that it would depend upon the result of a letter from Major General Gower; and soon after I was ordered to beat to arms, and leave the meat, then ready to be cut in pieces, on the ground. I again noticed to the General, that the troops were without provisions: his reply was, Do not you see it is going to rain? As the troops did not march immediately, I still hoped to take some of the meat in their haversacks, but they were prevented from removing it—I understood by the General's orders: whether it was so or not, I do not know: we were ordered to march from our right by the great road leading to the advanced corps; but immediately before we moved, I was informed that the route was changed, and we marched from our left about ten o'clock: the first part of our march was good, but we afterwards got into low swampy ground, with a very difficult pass, and the men

had to wade a long way in the water: Between two and three o'clock, immediately after leaving the swamp, the General sent for me to the front, and asked my opinion about proceeding: he observed, that his guide had deceived him; that the ford of the Chieulo was still, by his account, many miles off; that there was no chance of reaching it before dark; that he had secured cattle for the troops, and where he then was, there was a sufficiency of firing to cook their meat. From those statements, and knowing that the troops were completely exhausted, I was decidedly of opinion, that we had better halt where we were: I must here observe, that it was then near three o'clock, and that the day closed at five. Plenty of meat and half a day's bread were issued to the troops—the troops were rather discontented this evening; and, at my suggestion, an order was issued by the General, encouraging them to do their duty cheerfully. In the evening we heard the firing of the advanced corps, and the General appeared to me extremely uneasy at the very awkward situation in which he was placed: he asked me my opinion, whether I conceived General Gower sufficiently strong to resist the enemy? I answered, that unless he advanced into the town, I was persuaded there could be no danger, whatever numbers might oppose him: he appeared more satisfied with this remark, and observed, that he had so high an opinion of General Gower, that he was persuaded he would not attempt the town without him. We marched again an hour before day-light the morning of the 3d: the country we passed through was low, and at times swampy; a little more rain (it was raining then, and had rained part of the night) would have rendered it impassable: about noon we came to a ford on the river Chieulo, but did not pass it: we soon came to a second, which we passed: the ford was narrow, but deep; in one place near upon five feet. Not long after, I ima-

gine between two and three o'clock, we communicated with General Gower: my brigade was ordered to take up a position, with my right joining General Lumley's left, and extending towards the Recolita: on approaching it, I found that General Lumley's brigade had retired, and the enemy's light troops were advanced to it. I formed my brigade in the rear of the position, and reconnoitred it; and when the troops on my right were prepared to regain their position, I advanced and occupied it: some of the enemy's shot reached the line, both before and as we were advancing: as soon as the brigade was formed, it was dark, and the rain fell in torrents; but the men were sheltered in houses, and received an allowance of biscuit and some liquor. There was much firing during the night at the out-posts, which I endeavoured to prevent, as, from the reports made to me, I had reason to believe, that few, if any, of the enemy approached us—I speak of my own brigade. Early on the next morning, the 4th, I found the enemy had got round my left flank, and were in considerable numbers in my rear. I removed the left wing of the 38th regiment, the regiment on my left to the rear: after some time the enemy retired: it was now near ten o'clock, and a dragoon informed me, the General was waiting for me at head-quarters. On my arrival there, the General informed me, that the principal officers of the army had been waiting for me about two hours: on investigation, it proved, that General Gower's aid de camp had been sent to me at day-light, but had never reached me: he had been taken prisoner on the way. I found the colonels and field-officers in possession of the plan of attack, which was to be carried into execution at twelve o'clock: it was explained to me by Colonel Bourke, who had the plan of the town before him. I observed to the General, that the regiments of my brigade were totally unacquainted with the intended at-

tack, and I apprehended there would not be time to communicate it to them, and make the necessary arrangements for carrying it into execution. I also observed, having previously conversed with some of the principal officers, that mid-day was, in my opinion, an improper time to march through the streets of a popular city; and I conceived we should penetrate further, without serious loss, if the attack was delayed till day-light next morning. The General mentioned this proposition to General Gower, the room being previously cleared of all the officers, except the generals and Colonel Pack; and General Gower acquiesced in the propriety of its being deferred till day-light the next morning. An officer was copying for me the general orders for the attack; but General Gower observed, that there was an alteration in them, and he would send me a correct copy in an hour. I received it in the course of the afternoon. I left head-quarters with the Deputy Quarter Master General, who was to point out to me the heads of the streets the column of my brigade were to occupy the next morning; but intelligence being received that the enemy were going out of the town in force, I returned to my brigade, and soon afterwards had orders to retire to the rear, in hopes of enticing the enemy to advance: we remained under arms the principal part of the day, and when the brigades re-occupied their ground, the Deputy Quarter Master General pointed out to me the different streets through which the columns were to penetrate. I then explained to the field-officers the route of their columns, and gave directions for their being properly placed in time the next morning; and I desired them to send for the tools that had been ordered: by this time it was dark, and frequently during the night it was reported to me, that attempts had been made to obtain the tools without

success: I obtained, however, a few from the houses I was in possession of.

Judge Advocate.—I beg leave to propose to the Court, that the narrative Sir Samuel Achmuty has now given, should be read over to him.

The evidence given by Sir Samuel Achmuty was read over.

Q. Will you state what information you communicated to Lieutenant General Whitelocke of the strength of the enemy, and his means and disposition to resist, upon General Whitelocke's arrival at Monte Video; and likewise whatever information you know General Whitelocke to have received subsequent to his arrival from other quarters, in regard to the strength of the enemy, and his means and disposition to resist: all I ask is, the result of the information; I would not trouble you for the particulars.

A. In my communications with the General immediately upon his arrival, I acquainted him that the inhabitants were so inimical to us, I could gain little information from Buenos Ayres, and that little was not to be depended on; that General Berresford had better means of information than it was in my power to obtain, and he had informed me, that the number of regular troops the enemy possessed were few, and their general by no means a man of abilities; that they had a large body of men in arms, and a very powerful train of artillery. I was unacquainted with their intentions or plans for the defence of the town, nor am I acquainted with any particular information the General afterwards obtained. I must be understood to say, that this is the purport of what I mentioned to the General; of course I cannot recollect the precise words in which I expressed myself to him.

Q Having stated that, upon the arrival of Brigadier General Craufurd, you proposed to Lieut.

General Whitelocke to send a mild but firm summons to the Spanish Commander, which measure General Whitelocke approved, and desired you would send him a draft of the letter you proposed, have you kept a copy of that draft?

A. I have not.

Q. Will you state the substance of the draft of that letter you sent to General Whitelocke?

A. I cannot recal it to my memory sufficiently, but I dare say the General's Secretary has a copy of it; I destroyed the letter before I went up to Buenos Ayres.

Q. You have stated, that you went to Colonia from Monte Video; do you know whether all the stores and horses were brought away from Colonia? if not, what stores and horses were left there?

A. I am totally unacquainted with every thing that was done at Colonia, except that the ordnance were thrown into the river, and the place evacuated.

Q. Why was Colonia first chosen as the place of rendezvous, and afterwards abandoned?

A. I am not acquainted why.

Q. Would not the possession of Colonia have given a commanding influence on the left bank of the Plata, of great importance to the operations in which the army might be expected to engage after the surrender of Buenos Ayres?

A. Colonia was the only fortified post on the left bank of the river above Monte Video, and consequently must always have been of importance.

Q. You have stated, that a strong brigade of artillery was to have been attached to your brigade; can you tell why it never joined you?

A. I know not whether the General had any

particular reasons for leaving it in the rear; but, from the rapidity of our march, and the badness of the roads, it was hardly possible it could join.

Q. What artillery had you with your division?

A. I had none with my brigade.

Q. Can you tell how it happened that the main body of the army was in want of bread and spirits so early as the 29th.

A. The difficulty of bringing spirits across the swamp will sufficiently account for our want of liquor: I have already given in evidence, that the troops marched on the 28th with three days provisions, though I apprehend most of the biscuit must have been destroyed in wading through the water on the 28th and 29th.

Q. What became of the quantity of provisions landed at Ensanada for the use of the army?

A. I cannot tell; but I have already given in evidence that, on the 30th in the morning, there was some biscuit issued, though not I believe a day's consumption; and again on the 2d, in the afternoon, we had some biscuit issued.

Q. Is the Court to understand that, from the evening of the 30th, to the 2d, there was no issue of provisions from the commissariate?

A. None, that I recollect, except that some of the regiments had meat issued to them at Reduction.

Q. That I understand to be meat from the country?

A. I believe it was meat from the country, issued to us by the commissariat.

Q. Can you state what supplies of spirits were issued to the main body of the army, from the

time of landing at Ensanada, during the march at Reduction?

A. My brigade received liquor either the 29th or 30th, I do not precisely recollect which, and at no other time: I cannot speak so particularly about the spirits issued to the men, as it was not of so much consequence as many other things.

Q. If there had been more mounted dragoons to scour the country, would not the country have afforded an ample supply of provisions for the army?

A. Most certainly, with the assistance of the natives of the country, who alone can catch the cattle.

Q. We have understood, that the persons employed in catching cattle in that country are called Lasso Men?

A. They are.

Q. Was any, and what number of, Lasso Men accompanying the army for the purpose of catching cattle?

A. We had some Lasso Men; but I am not acquainted whether they were with the main body of the army, or the advance of the army.

Q. Do you know of any orders having been given, or precaution taken, by Lieut. General Whitelocke upon this subject?

A. An order was issued on the 28th of June, forbidding the troops, on any account, to take provisions themselves without paying for them, as arrangements had been made by the commissary for supplying the troops in the field. I recollect an order somewhat similar, something of that kind. I have mentioned in my evidence when provisions were issued to the troops; I know of no other arrangements.

Q. You have stated, that some provisions were procured from the fleet at Point Quilmes, when

the army arrived at Reduction; would there have been any difficulty in procuring such a supply from the fleet, as the necessity of the army required, by the same means of communication?

A. Provisions might certainly have been obtained for the army, but not without difficulty; for they must have been brought over the morass about two miles.

Q. I think I understood from you, that some provisions were obtained in this way?

A. I mentioned in my evidence, that parties had been sent to obtain provisions; I concluded that provisions were there; I cannot say positively that they were there: parties, I know, had been sent.

Q. It will perhaps be more correct, if I put a question to obtain that answer; do you know, of your own knowledge, whether any provisions were obtained from the fleet at Point Quilmes for the use of the army?

A. I conclude they were, as parties were sent to receive provisions.

Q. Do you know whether Lieut. General Whitelocke received any, and what information, at Reduction, of the position and strength of the enemy on the Chieulo?

A. I do not know.

Q. You have stated, that on returning from reconnoitering on the morning of the 2d, you waited on Lieut. General Whitelocke, and expressed your hopes that he would rest the troops that day, as they were nearly exhausted; and the advanced corps, you supposed, from the numbers left at Reduction, was still more: that Lieut. General Whitelocke answered, that that would depend on the result of an answer from General Gower; that he soon afterwards ordered the drum

to beat to arms; upon which you told him that the troops were without provisions, and that his reply was, "Do not you see it is going to rain?" My question upon that is this, can you state any more particulars upon the subject of the conversation you had with Lieut. General Whitelocke previous to your march on the morning of the 2d.

A. I recollect no further particulars, nor do I believe that any further conversation passed of any consequence. I am certain this conversation ended in the General's remark, "Do not you see it is going to rain."

Q. At what hour was this?

A. I should imagine near nine o'clock; about nine.

Q. Did you know, before this conversation, that Lieut. General Whitelocke had dispatched any letter or any orders to Major General Gower?

A. I did not: the Court will recollect that there were two conversations passed between General Whitelocke and me, which I have stated in my evidence; that I first pressed the General to remain there during the day, and that he said it would depend on the result of the answer from Major General Gower; that afterwards he ordered me to beat to arms, and that then he said, "Do you not see it is going to rain."

Q. Did Lieut. General Whitelocke, at either of the conversations you have stated yourself to have had with him that morning, inform you of the purport of the letter which he had told you he had dispatched to Major General Gower?

A. The General never told me he had dispatched a letter to General Gower; that he expected a letter from General Gower.

Judge Advocate.—My reason for putting that question was, that I had taken the words of Sir

Samuel Achmuty to be, that it depended on the result of an answer from Major General Gower.

A. On the result of a letter he expected from Major General Gower.

Judge Advocate.—Then I will withdraw that question. Did Lieutenant General Whitelocke make any, and what, observations on your remark on the exhausted state of the main body of the army, and upon that of the advanced corps, which you judged of from the numbers left at Reduction?

A. I do not recollect any particular remark: he probably may have made a remark, but I do not recollect any.

Q. You have said, that soon after Lieutenant General Whitelocke had stated that his departure would depend on a letter he expected to receive from Major General Gower, you were ordered to beat to arms; do you know whether, in the interval, General Whitelocke had received any letter from Major General Gower?

A. I do not know.

Q. I understand from your evidence, that upon the troops being ordered to beat to arms, you again saw General Whitelocke?

A. I did.

Q. You noticed to him the want of provisions of the main body, and his answer was, "Do not you see it is going to rain?"

A. Yes.

Q. Did he, or did he not, at that time say any thing of any information he had received from Major General Gower?

A. He did not.

Q. I believe it rained on the night of the 1st, what weather was it on the 2d of July, when you marched?

A. The night of the 1st there were a few drops of rain; very little rain the 2d, was very cloudy, and had much the appearance of heavy rain; it rained a little in the afternoon, and again at two o'clock on the morning of the 3d.

Q. You have stated, that the first order to march was from the right, in the direction towards the advanced corps; but that before you were moved, you were told the route was changed, and that you marched from your left about ten o'clock; can you state the reason of the change of route?

A. I enquired of the Deputy Quarter Master General, and was told by him that the guide had proposed to lead the General a better and a shorter route, to a ford rather above the Chico ford.

Q. At the time when the army halted on the 2d, were you apprised of the operations in which the advanced corps was to be engaged on that day?

A. I understood that it was intended they should force the river, if they could; either at the Chico ford, or above it.

Q. From whom did you receive that information?

A. I cannot say positively: it was generally understood.

Q. Did you hear the Deputy Quarter Master General inform Lieutenant General Whitelocke, at the time when the question of halting was under consideration, that he knew Major General Gower considered the order he had received as peremptory, and was determined to obey it?

A. I do not know the order alluded to.

Q. Did you hear the Quarter Master General, at the time referred to in the last question, say any thing as to what he knew of the intentions of Major General Gower?

A. To the best of my recollection I did not.

Q. You have stated, that in your opinion the halt was advisable, from the exhausted state of the troops,

and from the facility of procuring provisions at that spot ; but if an important service had been to be performed, would the situation of the troops have still been such as to make a halt unavoidable ?

A. The spirit of the troops I have no doubt would have carried them through further difficulties ; but, unless for very essential purposes, I do not think they could have marched much further.

Q. What was the cause of the discontent of the troops, which you have spoken of ?

A. It originated principally from their not getting wood with the facility which they wished to cook their provisions.

Q. You have stated, that you were summoned to attend head-quarters on the morning of the 4th ; was that summons the first intimation you had of the plan of attack ?

A. The first intimation I had of the plan of attack was after my arrival at head-quarters ; perhaps I should say, the first intimation I had of the intention of attack.

Q. Can you tell whether any, and what, measures were taken between the arrival of Lieutenant General Whitelocke, on the 3d of July, and the close of the 4th, towards insuring the success of the attack upon the town, either by bringing up artillery, or any other means ?

A. I have given in evidence every thing I know upon the subject.

Q. Would not the possession of the Recolitas have secured the left flank of your brigade, facilitated the operations of the army, and likewise opened a communication with the fleet ?

A. I know not how far it would have been advisable to have detached a corps to the Recolitas : certainly a communication could not have been kept open, unless part of the line was removed more to the left.

Q. Would not the possession of the Recolita, had it been thought advisable, have produced the advantages stated in the last question?

A. It would, if it had been supported.

Q. Was the station in which the Commander in Chief was to be found during the attack upon the 5th notified in orders, or otherwise, to the Generals and other officers of the army?

A. It was not notified to me.

Q. Were the points of retreat, if retreat became necessary, notified in orders, or otherwise, to the Generals and other officers of the army?

A. They were not notified to me.

Q. Have you any other information to give to the Court, having heard read the charges against Lieutenant General Whitelocke, upon the subject of those charges, up to the period of the close of the 4th of July?

A. I cannot call to mind any other information.

Judge Advocate.—I am now going to put the questions which General Whitelocke wishes to have put to Sir Samuel Achmuty:—Did you not give to Lieutenant General Whitelocke, on his arrival at Monte Video, copies of the letters you had written to the Secretary of State; and among others, those relating to the disposition of the inhabitants of the country, and the force necessary to conquer and keep it?

A. I did.

Q. Was your opinion, either on the subject of the disposition of the country, or the force necessary to conquer and keep the country, altered by any subsequent observation, and if it was, in what respect?

A. It remained unaltered.

Q. Was not every preparation made, and arrangement completed, and horses and stores embarked, as far as it was practicable, on hearing that General

Craufurd was in the river, in order that no time might be lost in crossing as soon as he joined?

A. Preparations were made, and stores and horses were embarked, but I have already mentioned to the Court how far I was consulted or employed in those preparations or arrangements.

Q. How long was Brigadier General Craufurd detained by contrary winds in the river before he arrived at Monte Video?

A. We heard of Admiral Murrays being in the river on the 30th of May: he came to anchor at Monte Video on the 14th of June.

Q. Considering the state of the troops, and the circumstance of their being unavoidably wet every day in crossing the swamps, did the convenience of fuel appear to you to be necessary?

A. For cooking absolutely necessary, for drying the men most desirable.

Q. Could the men have found any other place for halting at which fuel could be procured except the farm-houses, and were not the marches and halts in some measure regulated by their situation?

A. Fuel could only be procured at the farm-houses, and the marches and halts appeared to me to be regulated by their situation.

Q. Could we have procured those advantages if the army had marched in parallel columns?

A. I saw few or no houses on our left flank, the only one in which a column could have marched. On our right, all was a swamp.

Q. Could we, considering all the circumstances and nature of the ground, and the state of the troops, have marched with greater rapidity, or arrived sooner, without distressing the men?

A. I do not think the troops could have marched to Reduction sooner than they did without distressing the men; perhaps they might have come sooner to

their ground on each day's march, if the army had not been frequently halted.

Q. Had I not frequently expressed apprehensions as to the rain setting in, and my anxiety to get to the vicinity of the town to put the men under cover there?

A. The General frequently expressed apprehension as to the rain setting in; and I have no doubt he expressed also his anxiety to get the men under cover in the vicinity of the town, though I cannot recollect that.

Q. If a strong wish to reach the vicinity of Buenos Ayres had not induced me to press forwards, could not the commissariate have found sufficient means of supplying the army from the cattle taken in the country?

A. There is no doubt that cattle might have been had in abundance, with proper precautions.

Q. As soon as we had taken Buenos Ayres, could not we have immediately re-occupied Colonia?

A. Most certainly.

Q. Would it have been advisable to have diminished the strength of the army, by leaving any large body of men in order to maintain Colonia, while we attacked Buenos Ayres; and would it have been safe to have left a small detachment there?

A. Colonia, from its situation and defence, did not require a large body to be left there at that time.

General Whitelocke.—I have no other questions to trouble Sir Samuel Achmuty with until I come upon my defence.

Judge Advocate.—In answer to a question, which has been put by Lieutenant General Whitelocke, you have said, you do not think the army could have reached Reduction sooner than they did. Were the regiments composing your brigade, namely the 38th and 87th, which you have stated to have been enured to the climate and to service, in better marching order than the 36th and 88th, composing part of the

advanced corps, which had been detained for eight or nine months on board transports?

A. The 38th and 87th marched infinitely better than the 5th, the other part of my brigade; and when in my evidence I observed, that the troops could not march sooner to Reduction without fatiguing them, I do not mean to say, that the 38th, 40th, and 87th, and part of the 95th, and 17th dragoons, could not have marched themselves to Reduction sooner.

Judge Advocate.—I would beg to observe, that this is not quite an answer to my question: I know it is a truism, but I wish to have an answer to it; whether, under the circumstances of the main body and advanced corps, the main body could not have marched more rapidly than the advanced corps?

A. If you wish me to answer, whether the 38th and 87th would not have marched better than the 36th and 88th, I certainly think they would.

Q. If the advanced corps, consisting of the 36th and 88th, were able, from the 2d, to march from their position in advance of Reduction, to cross the river Chieulo, and take post on the Miserere; might not the whole, or the larger proportion, of your brigade have marched as far from Reduction, if the line of march of the advanced corps had been followed, and the river passed at the same ford?

A. Part of my brigade, I have no doubt, might have marched further: the whole of it certainly might have marched as far.

Sir John Moore.—There is one question I wish to put, which is a question of opinion: I conceive it is an opinion the Court have a right to have from a man of Sir Samuel Achmuty's service and experience, who was acquainted with the resources of that army, and who also knew the resources of the country; and therefore is enabled, I think, to give an opinion that the Court seem to have endeavoured to get at hitherto, but I think not completely. By your evidence it appears, that on the march of the army

towards Buenos Ayres, the troops were kept long under arms, were daily fatigued and exhausted, had no regular issue of provisions, but yet they were four days in marching thirty miles: all the consequences of a forced and rapid march seemed to have attended this movement of the army, excepting that of getting quickly forward: in your opinion, might not a previous arrangement have been made, which would have enabled the army, which landed on the 28th of June, to have advanced from the heights of Barragon at daylight on the morning of the 30th, and to have reached in two marches, without serious inconvenience to the troops, the point of Reduction on the 1st of July?

A. I have no doubt that arrangements might have been made, which would have enabled the troops to march from the heights above Barragon on the 30th of June, and that they might have reached Reduction on the 1st of July: but I am very doubtful whether the cannon necessary with the troops could have been brought forward so soon. The guns came up on the 2d; they were so long in getting over the swamp between the Ensanada de Barragon and the heights, that I doubt whether they could have been ready to have marched on the 30th.

Sir John Moore.—The guns did not march on the 30th?

A. They were not with the main body of the army; they came up with the rear of the army.

Sir John Moore.—I thought the guns had been left with Colonel Mahon, and had followed the army?

A. They were so: but in mentioning when the troops could have marched, I thought it proper to take notice, when the guns could, in my opinion, have been ready to have marched with them.

Q. In that case, might not the river have been reconnoitered in the course of that day, and a disposition made for passing it on the second, and advancing to the suburbs of Buenos Ayres?

A. If the whole army marched from the heights of the Ensanada de Barragon on the 30th, it would take them the whole of that day, and the 1st, to reach Reduction; and the whole of the army could not have marched on the 30th, because the guns would not have been up—I mean the whole of the army.

Q. I wish to obtain Sir Samuel Achmuty's opinion, not on what was done, but on what might have been done: namely, whether that army, that landed on the 28th of June, might not have been ready to march from the heights above Barragon on the 30th; and, without fatiguing the troops, without their suffering from the want of provisions, or any other want, arrived fresh upon the 1st of July in front of Reduction, with an advanced guard on the heights, on the 28th, in the evening: they actually did proceed on the 29th: they might, therefore, have been in front of the army, which halted at Reduction; and, under protection of the advanced guards, the banks of the river reconnoitered that evening?

A. If the advanced corps had marched on the 29th, they might have arrived at Reduction early enough to have reconnoitered the river on the 1st; and the army might have been in readiness to march from thence (Reduction) on the 2d, but not with the principal part of their artillery.

Lord Lake.—What proportion of the artillery had the main body with them, on their march from the heights to Buenos Ayres?

A. I cannot positively answer that question. At first I saw no guns, afterwards there were one or two, or perhaps more, guns with the advanced part of the main body.

Q. Was the main proportion of the artillery belonging to the army left behind with Colonel Mahon at Reduction, or did it accompany the army on the 2d?

A. It did not accompany the army on the 2d.

Sir John Moore.—Did the inconveniences in the march, which you have stated, arise from necessity, or from the nature of the arrangements?

A. Much inconvenience was undoubtedly experienced from the nature of the country we marched through; and other inconveniences were experienced from the want of regular provisions.

Adjourned to To-Morrow Morning, Ten o'Clock.

TWELFTH DAY.

THURSDAY, FEBRUARY 11th, 1808.

Sir SAMUEL ACHMUTY, called in again.

Judge Advocate.—As the Court are about to proceed in putting questions to Sir Samuel Achmuty, I would submit to the Court whether it would not be desirable to hear the questions and answers read, which the Court have already put to him, in order to ascertain whether the answers given yesterday bear upon the questions they are about to put.

The examination of Sir Samuel Achmuty yesterday by the Court was read.

Judge Advocate.—I should rather be disposed to submit to the Court that the last answer of Sir Samuel Achmuty, at the time the Court rose, is hardly a full answer: the question, I understand, is, whether, in the progress of the march, all the disadvantages attending it arose from other causes than that of mismanagement: the answer is, that there were external causes, which did produce much inconvenience; but whether all arose from these causes, or not, is not answered.

Sir John Moore.—The inconveniences were stated, in the former answer, that they were kept under march so long that they made unnecessary halts, and

that they had not provisions: whether those arose from the nature of the country, or from the conduct of the officers, and the want of arrangements, is the question.

*The last answer being again read, the following addition was made:—*Besides the inconveniences I have already mentioned, there were frequent halts, the necessity for which I did not see, which brought the men so late to their ground that they could not cook their provisions.

General Garth.—Is there any particular rainy season in that part of South America in which you served, or does it not rain at short intervals for a few days during the whole year in that climate?

A. It rains at intervals throughout the year: in the winter, I understand, the intervals are shorter, and the rains of longer duration.

Lord Cathcart.—What was the state of the road from Monte Video to Colonia; were there any, and what, obstacles to marching a body of cavalry or infantry, or both, from Monte Video to Colonia; and what would have been the distance of such march?

A. There are many difficult rivers between the two places, and at that season of the year I should have thought it quite impracticable for an army to march: the distance, I believe, is about 130 miles.

Lord Cathcart.—The question applies to the marching a detachment, not the whole force?

A. A detachment might, at times, have marched; but, if heavy rains had fallen, they were very liable to be shut up between the rivers: much earlier in the year I had an instance of that: I sent General

Lumley about seventy miles up ; if he had staid one day longer, he would have been shut up for a fortnight.

Q. What proportion of cavalry was mounted, and of what regiments did the mounted part consist, when General Whitelocke took the command ?

A. At Monte Video, and those different posts, part of the 17th dragoons were mounted ; in general they had near about 400 men mounted, but they varied every day, as there was a depot for grazing horses near Monte Video, and those that were tired were sent to the depot, and fresh ones brought. At Colonia there was about 100 mounted of the 9th dragoons. I must observe to the Court, that at that time, I had not a sufficiency of grain to give the horses ; of course they were obliged to live upon grass, and to be sent out when tired : there might be nearly about 1000 horses altogether ; but few in any kind of order : there were about 400 fit for service, when I gave up the command : there were, perhaps, besides those, about 1000 horses in the King's-land : as the horses were tired they were exchanged.

Q. If a movement in force had been made from Monte Video to Colonia in the month of May or beginning of June, would it not have furnished the means of supplying the army with the best horses ?

A. There were very few good horses left in that part of the country when General Linier crossed the river, in order to relieve Monte Video : his march was delayed for want of horses, otherwise he would have been at Monte Video before I could have assaulted it.

Q. Having mentioned the frequency of the halts in the course of the march, can you account for them ?

A. I cannot ; my station was generally in the rear : they were very seldom occasioned by the rear being at any distance from the main body : it is to be understood that there were frequent halts necessary in passing the defiles—those I do not advert to.

Q. When the main body halted on the 2d of July, would it have been possible in their then situation to have given support to the advanced corps, in case of need ?

A. When I gave my opinion that it was advisable to halt, I was fully persuaded in my own mind that we could not support the advanced corps.

Lord Lake.—When the firing on the 2d was heard, did Lieut. General Whitelocke take any measures to find out from whence it proceeded, or to ascertain the situation of the advanced corps under Major General Gower ?

A. I do not know that he did.

A Member.—Do you know the reason for Colonel Mahon being ordered to halt at Reduction ?

A. I recollect the General saying that he thought it advisable to halt Colonel Mahon at Reduction, till we found out where we were ourselves.

Q. Could not the artillery, and the troops with Colonel Mahon, which arrived at Reduction on the 2d of July, have been brought up to the main body of the army, by the evening of the 4th ?

A. They certainly might have marched from Reduction to the suburbs of Buenos Ayres in two days, if the heights above the bridge had been evacuated in one day.

Q. Were any attempts made to reconnoitre the bridge after the arrival of Lieut. General Whitelocke, at the Miserere ?

A. I cannot say.

Q. Was your opinion asked, and did you give any upon the plan of attack on the town?

A. My opinion was not asked, nor did I give any, except as to the time.

Q. When did you suppose the bridge to have been evacuated?

A. I am quite ignorant.

Judge Advocate.—Then that question may be withdrawn.

General Dundas.—Was the state of the enemy, or the situation of the army, such, on the 4th of July, as rendered the attack on the town the following day absolutely necessary by a coup de main?

A. Not being consulted in the equipments of the army, I know not what were the General's resources; but certainly, by moving to the left, a communication might have been opened with the shipping above the town.

Q. Was the enemy in such force without the town as to make it necessary to attack the place by a coup de main?

A. Not that I know of.

Sir John Moore.—Do you know whether the commander of the forces ever reconnoitered the town after his arrival at the Miserere, on the 3d, previous to the attack?

A. I do not know.

A Member.—Do you know any reason why the main body of the army should not have pursued the same route on the 2d, which the advanced corps under Major General Gower had taken, at least so far on the high road, leading from Reduction to

Buenos Ayres, as that part where the Major General quitted the high road to make for the Chico pass, over the Chieulo ?

A. I have already stated in my evidence the only reason I heard assigned, that the guide had undertaken to conduct the army by a shorter route.

General Norton.—Having said, that in your opinion Major General Gower's corps had nothing to apprehend from any attack of the enemy without the town of Buenos Ayres, do you believe, that if the Major General, after crossing the Chieulo, at the Chico pass, had made directly for the bridge, he would have found much difficulty in dislodging the enemy posted to defend the pass of the bridge, had the enemy waited his approach ; and would not the retreat of the enemy have opened a free passage for the main army ?

A. I am not acquainted with the face of the country between the Chico pass and the bridge, and the extent of the suburbs of Buenos Ayres on that side. If the country had been open, Major General Gower might certainly have advanced to the bridge, and the main body might have passed ; but there was a great risk of its bringing on a general action between the advanced corps and the enemy.

Q. If the main body had marched directly to the bridge, and been at it when the attack was made by Major General Gower, would it not have been much more advisable to attack the enemy there than in the town ?

President.—I submit to the Court whether it would not be proper to make the questions as short as possible, to compress as much meaning in as few words as possible.

A Member.—Did the Plaza de Toros command the town, or a considerable part of it?

General Harris.—That seems to relate to the second part of the case; we had better keep that distinct.

A Member.—If, by moving to the left, a communication might have been opened with the fleet above the town, and in consequence a supply of provisions procured; would there then, in your opinion, have existed any necessity for attacking the town by a coup de main?

A. There certainly could have been no immediate necessity, if a supply of stores and provisions could have been obtained from the ships.

General Norton.—Had Lieut. General White-locke proceeded on the high road to the bridge, would he not have been enabled to have supported the advanced corps, in case the attack of General Gower had brought on a general action?

A. I am not sufficiently acquainted with the country to answer that question.

The Witness withdrew.

Captain AUGUSTUS FRASER called in and sworn.

The abstract of the charges was read.

Judge Advocate.—Had you the command of the artillery employed in the expedition against Buenos Ayres?

A. I had the honour to command the artillery.

Q. State the number and calibre of the ordnance embarked at Monte Video for the use of the expedition?

A. There were embarked for that service twenty-eight pieces, of which three were English iron twenty-four-pounders, three medium brass twelve-pounders, eight six-pounders, five Spanish four-pounders, two Saint Helena three-pounders, two Spanish brass twelve inch mortars, five five and a half inch English brass howitzers; which makes, as above, a total of twenty-eight.

Q. What number of horses were embarked at Monte Video, for the transport of ordnance and stores?

A. There were embarked for that service 170 horses and 36 mules.

Q. In the word stores, you understand me to include small arms and ammunition?

A. Certainly.

Q. Was all, or what proportion, of the ordnance which you have stated, landed at Ensanada?

A. Sixteen field-pieces were landed at Ensanada it may perhaps be explanatory to state, that of the twenty-eight pieces of ordnance which were embarked at Monte Video for the service against Buenos Ayres, eighteen field-pieces were intended to have been landed as three brigades of artillery in the field ; the remaining number of pieces having been intended as a reserve artillery. From accidents in landing horses, and other local obstacles, I judged it to be for the good of the service to direct, that two five and a half inch howitzers, together with the ammunition-carriages for the same, should not be landed.

Q. Why were only sixteen landed, and what were those sixteen?

A. Eighteen were intended to be landed, sixteen only were landed: the reason why only sixteen were landed was, that there was a want of physical strength in the horses to move the eighteen; therefore, in order to move the sixteen with certainty, I wished the other two should not be landed. The particular description of the sixteen that were landed were, eight English six pounders, two St. Helena three-pounders, one five and a half inch howitzer, five Spanish four-pounders, making a total of sixteen. Eight carriages for ammunition for field-pieces, and eight carriages for small arm ammunition for the army were also debarked at the Ensanada. Two hundred rounds of ammunition for each piece of ordnance were also embarked, 2,671,000 musket-ball cartridges were embarked, and 20,000 carbine-ball cartridges were embarked, and materials for making 400,000 musket-ball cartridges, 40,000 rounds of rifle-ball ammunition, exclusive of 350 rounds per man then in the possession of the 95th regiment, under the command of Major McLeod; and 900,000 musket-ball cart-

ridges, with the detachment at Colonia, were also embarked.

Q. Have you accurate returns both of the whole number of ordnance stores embarked, and that proportion of ordnance stores which were landed at Ensanada.

A. Returns of that specific nature were given first of the embarkation to his Excellency General Whitelocke on the 20th of June, and subsequently to the Adjutant General on the 8th of August: the one being the embarkation return, and the other the disembarkation.

Q. The disembarkation at Monte Video after the expedition came back, or at Ensanada?

A. At Ensanada.

Judge Advocate.—Then I would submit to the Court, whether it is necessary for the Court to go through this detail, inasmuch as Captain Fraser has in his hands the returns themselves. I apprehend they are decidedly the evidence that would satisfy the Court on the subject: I understand him to say, he has the returns of all that was disembarked at the Ensanada.

The returns were delivered in.

Q. What proportion of the whole number of horses and mules embarked for the expedition were landed at Ensanada?

A. From the circumstances of the debarkation, it is not practicable for me to state precisely what the number of horses and mules landed were.

Q. State it as accurately as your memory will enable you.

A. I apprehend very little short of two hundred: it may not be improper to state, in further explanation, that such guns and carriages as are in the common routine of the service drawn by four horses, and that with men also on them, were intended without men to have been horsed by six horses each; and this arrangement was made, foreseeing the unusual obstacles and difficulties we had to expect.

Q. Will you state the circumstances of the landing, and of the march through the marsh to the heights of Barragon, so far as they affect that part of the expedition of which you had the command?

A. The debarkation of the army, and of the first pieces of artillery was, I understand, after day-break, on the morning of the 28th of June, 1807. Those were two three-pounders, and were assisted by seamen, of whom two hundred were furnished for the general service of the artillery: four hundred seamen had been expected; but, by an arrangement with Admiral Murray, a day or two previous to the debarkation, two hundred were furnished: those two field-pieces were carried through the swamp, and advanced to the Ustantia on the heights over that swamp in the course of the 28th: four six-pounders, forming the remainder of the leading brigade of artillery, were carried through the swamp in the course of the following day: the remainder of the sixteen field-pieces were not carried through till the 30th: I had myself cut across the swamp on the evening of the 29th of June: the two six pounders, with which I was, were assisted by nearly three hundred of the 38th infantry; without whose exertions we should have been unable to get the field-pieces through.

Q. Were any pieces of ordnance lost in the marsh?

A. Five Spanish four-pounders were, by my orders, destroyed.

Q. State the reasons for your giving that order?

A. On reflecting, after having crossed the swamp on the 29th of June, which swamp was one mile and three quarters in breadth, and was in many places so deep that the men could with extreme difficulty stand, and in which the assistance of horses was nearly useless; considering also, that many horses had been lost, and fearing that many more would be lost in being debarked; and further reflecting, that it was essentially requisite that the men and horses, that should get across, should be unexhausted with fatigue, I judged it to be decidedly for the benefit of the service to sacrifice some of the least efficient pieces, to apply their strength in men and horses to the service of the remainder.

Q. Do you know, whether the whole of the remainder of the artillery that was landed, crossed the swamp; or whether any other portion was lost, than that you have stated?

A. The whole of the remainder of the artillery were carried through the swamp, and no other artillery carriage whatever was lost.

Q. Having stated that some horses were lost in crossing the swamp, can you tell the number that remained, after you arrived at the heights, for the use of the ordnance?

A. I am not aware that I have stated, that any were lost in crossing the swamp.

Q. Were rendered unserviceable?

A. I am not aware that any were rendered unserviceable: with the guns, with which I was, there were none. I have heard there were some; but hav-

ing been always with the brigade in advance, I am not competent to say, further than from report, what number of horses were lost.

Q. What officers belonging to the artillery accompanied the passing of the remainder of the ordnance through the marsh?

A. Captain Hawker, of the artillery, the next senior to myself; whose orders for the passage of the swamp, and the destruction of the guns, were sent, and were most precise from me, admitting of no exercise of his own judgment.

Q. With what division of the army did you advance from the heights?

A. With the leading advanced corps of the army.

Q. What proportion of artillery accompanied the advanced corps?

A. On the 30th June six field-pieces, which had then been reinforced by an officer, fifty-five artillerymen, and thirty additional horses: of these six field-pieces, two, by order of his Excellency General White-locke, remained on the 1st of July with the main body of the army.

Q. Was the number of horses sufficient to transport those six pieces of artillery and the ammunition belonging to them, or how were they conveyed?

A. There was such an extraordinary and unusual strength both in men and horses, with those six field-pieces, with their attendant carriages, and carriages for the small-arm ammunition, as was sufficient to overcome every difficulty.

Q. Can you tell the whole number of horses so employed: I now speak of the six field-pieces you accompanied?

A. Upwards of one hundred horses.

Q. What number of carriages for small-arm ammunition accompanied those six-pounders, and what quantity of small-arm ammunition did they contain?

A. There were three more carriages for musket-ball cartridges, and one for the 95th regiment: there were about 10 or 11,000 rounds in each: to every two field-pieces, there was one for the ammunition, and one for the service of the field-pieces, making in all twelve carriages.

Q. Can you tell the number of carriages and small arms which you left behind, when you marched from the heights of Barragon, to accompany the remaining ten pieces of artillery?

A. The total number of guns and ammunition-carriages of all descriptions landed at Ensanada were thirty-two; of those thirty-two, seven were destroyed, and twelve were attached to the leading brigade, there remains therefore thirteen.

Q. Will you state the orders which you from time to time received from Lieut. General Whitelocke, for the regulation of your conduct, and the distribution of the corps under your command, during the march from Ensanada to Buenos Ayres, and to the close of the 4th July?

A. I saw his excellency General Whitelocke immediately after the debarkation at Ensanada: his orders had been before that time issued for the immediate advance of two field-pieces with the advanced corps: I saw his excellency General Whitelocke, after it was quite dark, on the evening of the 28th, in the village of Barragon. I had a very earnest conversation there with General Whitelocke, about the artillery being carried through the swamp; and I assured General Whitelocke that I would be responsible, that

on the following day the field-pieces should go across the swamp, unless it was totally impassable. I had no farther conversation, nor did I see General Whitelocke again, till it was nearly dark on the following evening, when I had crossed the swamp with the rest of the six field-pieces. General Whitelocke was then at the first uestantia over the swamp: he ordered me to proceed to an advanced uestantia, probably a mile and a half on; and I there joined the troops under the command at that time of Colonel Mahon. On the following morning, the morning of the 3d, I saw General Whitelocke at this advanced uestantia, and he ordered me to move forward with the four field-pieces, which were then further in advance to where the advanced corps of the army were; ordering further, that I should take, for the protection of the artillery, a company of the 95th. I advanced in obedience of this order, and halted that evening at the uestantia on which the advanced corps remained: before the usual arrangements in parking the guns had been completed, it was evening: in the course of the night, between the 30th of June and the 1st of July, Captain Squire, the Commanding Engineer, and myself, conversed frequently as to the propriety of our returning to the Commander of the forces.

General Harris.—This is departing from the question: the question was, what orders Captain Fraser received from General Whitelocke?

Judge Advocate.—I must be under the necessity of stopping you there: you must not state any conversation with another officer, only what orders you received from General Whitelocke: whatever you did in consequence of any conversation you had with Captain Squire is evidence, but not the conversation itself?

A. I saw General Whitelocke on the morning of the 1st of July, and received his permission to accompany the advanced corps under General Gower to the passage of the Chieulo: after the separation of the main body from the advanced corps on the 1st of July, I had no conversation, nor did I see General Whitelocke till the afternoon of the 3d of July, at the Coralles de Miserere. I had at that time no precise orders from his Excellency; but I was ordered on the morning of the 4th of July to advance with two field-pieces into the city of Buenos Ayres; to advance cautiously, and feel my way; not to advance too far; and to bring word myself to his Excellency how affairs stood at the out-posts. I had no other orders from General Whitelocke during the course of that day: all the arrangements of what had taken place at the out-posts, the advance and drawing in at times of different out-posts, having been at different times reported to him, but no orders.

Q. What were the arrangements made in regard to the artillery under your immediate direction, previous to, and preparatory to, the attack of the 5th of July?

A. Those pieces of artillery which had been taken from the enemy on the evening of the 2d of July, were, early on the morning of the 3d, so placed in position as to command the open space in front of the Coralles de Miserere; and to command especially the roads leading from the fort, and the grand square of Buenos Ayres: with respect to the field-pieces, sometimes two, and at other times four, of them were at the out-posts: there were further at the Coralles de Miserere a disposable force of sixty artillery-men, in the general order for the attack of Buenos Ayres, on the 5th of July: the particular number of field-pieces, and the station of each, was prescribed: it

became, therefore, only my duty to see that those orders were carried into execution.

Q. State the distribution of the field-pieces on the morning of the 2d of July, when the army took different routes?

A. Four field-pieces were with the advanced corps of the army, two field-pieces, as I have before stated, were with the main body; the remainder, as I have learnt since, were with the rear division of the army.

Q. Were any pontoons embarked with the army at Monte Video, and if any, what number?

A. Six pontoons, with a complete establishment in every respect, had been constructed by order of his Excellency General Whitelocke, and were constructed and embarked under my superintendance; but, previous to sailing, were transferred to the department of the commanding engineer.

Q. Do you know whether those pontoons were ever embarked till the return of the army to Monte Video?

A. I saw one, and I believe two landed at Ensanada, but they were again embarked.

Q. Do you know for what reason they were again embarked?

A. I presume that it was because, from the local situation of the place, they would not have been of service.

Q. By the place, do you mean Ensanada?

A. Ensanada or Harbour; the term means Harbour.

Q. Do you mean to state that as a reason, why they should not have accompanied the march of the army to Buenos Ayres?

A. I mean to state, that it is my opinion, as a military officer, that locality prevented their being of service; and that I thought so at the moment: and, therefore, presumed that it was that which actuated the conduct of others.

Q. Was not the object of constructing those pontoons to assist the army in crossing rivers?

A. Certainly; that is the avowed object of constructing all pontoons.

Q. Could they have answered that object if they were not disembarked to accompany the army in its march?

A. Evidently they could not have answered that intention without being disembarked; but I had an idea that they would be debarked at some other point, where they would have been of great use. It may be explanatory to state, that there were no horses embarked for those pontoons.

Q. Were the operations of the army, and its movements, at any time necessarily delayed, by waiting the arrival of the artillery?

A. After the artillery got over the swamp, the leading brigade was so far from requiring any assistance from the army, that they were fully adequate to overcome any obstacles from their own resources: it has also been reported to me, by Captain Hawker, commanding the artillery with the rear division of the army, that that column was never delayed or impeded by the artillery; so far from it, that the sick and wounded men of that column were occasionally brought forward by the artillery. I must further observe, that, at the passage of Chieulo, where some delay in transporting the guns and ammunition was to a degree unavoidable, two field-pieces alone followed

the column, at the head of which they had till that time invariably been; the remaining two also followed the column, under the protection of two companies of infantry, under the command of Lieutenant Colonel Durrock, of the 36th regiment: those two companies, with two field-pieces, from the darkness of the night and the badness of the road, lost their way, and passed the night in the suburbs of Buenos Ayres, not with the advanced corps.

Judge Advocate.—I think it right to state, that a part of the last answer Captain Fraser has given, did not strike me as evidence strictly admissible in point of law: I mean the report which he states he received from an officer commanding a part of the artillery under him. I have suggested to General Whitelocke, that if he had any objection to that evidence, it did appear to me that I ought to submit to the court the propriety of erasing it from the minutes: I understand from General Whitelocke, that he has no objection to its remaining there. It appears to me that the best evidence on that point would be the evidence of Captain Hawker himself: there is no question upon it now, because there is no objection made to it by General Whitelocke. Was any, and what part, of the artillery engaged with the enemy previously to its arrival at the Corral; and did any of the operations of the army, previous to that period, depend or turn upon the support to be derived from the artillery?

A. On the 1st of July, a few shot were fired from one field-piece, at a body of irregular horsemen, near the village of Reduction; and on the 2d of July some rounds were fired from three field-pieces, at an irregular body of horsemen in the plain between the Masiel and the Chieulo: however, both from the nature of the country, and the enemy with whom we had to con-

tend, the operations of the army, from the Ensenada de Barragon to the Corrales de Miserere, could in no ways depend on the support to be derived from the artillery.

Cross-examined by General Whitelocke.

Q. Was not every disposition shewn to furnish you with every assistance you required, in bringing forward the artillery, which our situation and circumstances would allow ?

A. Every assistance, and every attention, in the most extended meaning of the words, was shewn.

Q. Were the difficulties to be encountered in passing the swamp with the artillery, such as commonly occur, or of a peculiar and unusual description ?

A. They were exceedingly unusual: it is hardly possible to conceive of a swamp which would oppose an obstacle more difficult to overcome to the passage of a carriage upon wheels.

Q. Had any intelligence, which to your knowledge we had received, led us to suppose we should have such difficulties to encounter ?

A. I certainly understood, both from the dispatches of General Beresford, and from general information, that there was a swamp, which ran parallel to the right bank of the Plata, but had no idea of its being to the extent which we afterwards found it. Very considerable preparations, however, had been made, and with General Whitelocke's directions, to enable the artillery to get across this swamp: those preparations, which consisted of wooden and portable bridges, were, however, found of very little utility.

Lord Lake.—You have stated, that you were ordered into the town of Buenos Ayres on the 4th of July, with two field-pieces, to feel your way, and return, and report in person the situation of affairs: was any force ordered to support you, or had you any post pointed out for you to fall back upon, in the event of your being vigorously attacked by the enemy?

A. I understood, in general, that I should of course be supported by the troops at the out-posts, as was usual. I went forward under that idea, and I was supported by the 95th, whom I saw there: we did advance in the cautious usual way of troops feeling their way, and feeling the force of the enemy: there was no particular feature; we had some scattered firing, and I individually returned to report to General Whitelocke.

General Garth.—What was the calibre of the Spanish guns taken by Brigadier General Craufurd, upon the 2d of July; and was there any, and what quantity of ammunition taken at the same time?

A. The number of guns taken on the evening of the 2d of July, in the suburbs of Buenos Ayres, were brass ordnance, with limbeers complete, twelve-pounder, one; eight-pounders, two; four-pounders, six; six and a half inch howitzer, one; there were also taken two ammunition carriages for small arms.

Judge Advocate.—Had you at any time any conversation with Lieutenant General Whitelocke, upon the subject of holding communications with the second in command, Major General Gower, and if you had, state what it was?

A. On the evening of the 1st of July, I returned from the advanced corps, under the command of

Major General Gower, to report myself to Lieutenant General Whitelocke, from whom I had then been absent nearly twenty-four hours. On reporting where I had been, General Whitelocke seemed not pleased that I had been so long absent from him : he also expressed himself, to me, not pleased with Captain Squire, of the engineers, who had been also absent from him. I observed to his Excellency, that I had advanced with the guns with his express directions, on the morning of the preceding day ; that it was nearly dark before we arrived at the position we took on that day ; but that had we been able to have found our way, we should have returned to his Excellency in the course of that evening. I added, that I should not again leave his Excellency's person without his express permission. I understood that his Excellency was dissatisfied with my having been with Major General Gower on the afternoon of the 4th of July. General Whitelocke again expressed himself displeased at my having been separated from him, and seemed to be much attached to the person of Major General Gower ; and added a strict injunction that I should not leave his side during the course of the following day. I felt it my duty to communicate to Major General Gower that I had received such an intimation from General Whitelocke.

The Witness withdrew.

The Hon. Colonel MAHON called in and sworn.

The abstract of the charges was read.

Examined by the Judge Advocate.

Q. I believe you were the commanding officer of the 9th light dragoons?

A. At present I am ; but on that occasion I was not so. I was employed as Colonel on the Staff ; I had not a regiment under my command.

Q. Had you not the command of the 9th light dragoons when you were at Monte Video?

A. I had, some part of the time ; on the arrangement being made on going up the river, I was appointed, in orders, as Colonel and Commander of a brigade : the 9th dragoons formed a part of my brigade ; but having gone up the river, they were not always with my brigade.

Q. Do you remember a general order being issued for lessening the baggage of the army?

A. Yes, I do.

Q. In consequence of that order, was any, and what part, of the horse-equipments belonging to your regiment made away with, or disposed of?

A. I beg leave to explain to the Court, that at the time of the coming out of that order, I

was in orders as Colonel of a brigade, and that the commanding officers of the regiment, Lieutenant Colonel Witherington and Major Ord, inspected that part of the horse appointments, which appeared to be not immediately fit for service, and did cast out what they considered to be so: what the precise quantity was, I cannot undertake to say, but I believe there is a return of it in possession of the regiment.

Q. Upon the landing at Ensanada, what part of the army had you under your command?

A. The brigades in orders were four troops of carabineers, the 9th light dragoons, the 40th regiment, and the 45th regiment of infantry, with the exception of the light companies.

Q. Did you continue in the command of that brigade during the whole of the march from Ensanada to Buenos Ayres?

A. No.

Q. At what time, and what was the alteration made in the brigade which you commanded?

A. On the 29th, having passed the swamps, and having taken up the ground on which I understood the light brigade had been stationed on the night of the 28th: the head-quarters of the Commander in Chief were on the left of the line on the 29th, with Sir Samuel Achmuty's command. On the morning of the 29th, Sir Samuel's column moved, and was accompanied by the Commander in Chief, who mentioned his intention of taking forward some of the troops of my brigade, and leaving me in the command of the dismounted, and a few mounted, of the 17th light dragoons, and about four com-

panies of the 40th regiment, for the purpose of waiting for Major Campbell, who was in command of the rear-guard, protecting the guns across the morass.

Adjourned to To-Morrow Morning, Ten o'Clock.

THIRTEENTH DAY.

FRIDAY, FEBRUARY 12th, 1808.

The Honourable Colonel THOMAS MAHON
called again.

Examined by the Judge Advocate.

Q. When you moved from the heights, what force had you under your command?

A. In addition to the force I have already mentioned, Major Campbell, with, I believe, about four companies of the 40th, and Captains Rowley and Joyce, of the Royal Navy, with about two hundred seamen, composed the entire; together with the artillery, which consisted, I believe, of 4 six-pounders and 2 howitzers, under Captain Hawker.

Q. Was any alteration made in the force you commanded, from the time you left the heights, till your arrival at Reduction?

A. None.

Q. When did you reach Reduction?

A. On the evening of the 2d of July.

Q. In the interval between General White-locke's marching forward with the main body, and the time of your arrival at Reduction, did you receive any orders from him? and if you did, what were they?

A. I did receive orders by an officer of the 17th Light Dragoons, with a mounted party; which had been sent back from the Commander in Chief's column previous to my arrival at Reduction, within a mile of it: and these are the orders.

(Producing them)

The order was read, dated July 2d, 1807,

Quarter-past Three o'Clock, P. M.

SIR,

Notwithstanding the orders communicated to you in my note of this morning, I am directed by the Commander of the forces to desire, that you will remain at Reduction, until further orders are forwarded to you: the Lieutenant General likewise desires, that you will procure provisions for your men,

and obtain bread and spirits from the shipping.

I have the honour to be,

Your most obedient,

Humble servant,

HENRY TORRENS,

Military Secretary.

P.S. You will likewise make as great a depot of provisions from the fleet, as you possibly can.

Colonel Mahon.—There is a note of prior date to that, which I received on my arrival at Reduction, which I have numbered 1; and which is referred to in the note I have just given in.

(It was read.)

Reduction, July 2d, 1807.

Half-past Ten, A.M.

SIR,

Upon the supposition, that you will certainly reach this place to-day, the Lieutenant General desires me to acquaint you, that he is just about to move from hence in a direct South West point, in order to force the river Chieulo, by reaching that part of it which is fordable, or rather the commencement of its source: he therefore desires you will follow him early to-morrow morning, bringing with

you every thing from this. Major Gwynn, of the 45th, will point out the direction which the column has taken: the General has written to Admiral Murray, to land three day's bread and spirits for your people; which, he trusts, will be on shore this evening, from the brigs that are at anchor.

I have the honour to be,

Sir,

Your obedient

Humble Servant,

HENRY TORRENS,
Military Secretary.

Q. Do you remember what was the name of the officer, who brought the second order; which you received first?

A. No: I do not know his name: he was an officer of the 17th Light Dragoons.

Q. Did you happen to see what escort he had with him?

A. I saw them: I should apprehend about twenty mounted.

Q. What were the next orders you received from General Whitelocke?

A. The next orders I received were at 20 minutes past 10 on the morning of the 5th, which orders I have also in my pocket.

(It was read.)

Head-Quarters before Buenos Ayres,
July 4th, 1807,
Eight o'Clock, P.M.

SIR,

I am directed by the Commander of the forces to desire, that immediately on the receipt of this, you will march with the detachment under your command, and proceed without delay, to take post at a safe distance from the bridge over the Rio Chieulo, where you will wait for further orders.

I have the honour to be,

Sir,

Your most obedient

humble servant,

HENRY TORRENS,
Military Secretary.

Q. Who brought that order?

A. It was brought by two countrymen: two of the natives, apparently.

Q. Did you at any time receive any other orders from General Whitelocke, dated before the 5th of July?

A. No.

Q. Was a communication with the sea opened at Reduction, and supplies of provisions and stores procured from the shipping?

A. Yes: I received supplies of provision; but I did not receive them in sufficient quantity to make a depot: they were sufficient for the ratio of the men under my command: there was not more than enough for a day's consumption at a time: owing to the badness of the weather, and the surf running high, they were prevented sending more on shore; therefore we could make no depot.

Q. Then, exclusive of the badness of the weather, were there any other difficulties in the way of landing the provisions at Point Quilmes, and afterwards conveying them to Reduction; so as to afford sufficient supplies for the troops, and the means of making a depot?

A. There was a considerable swamp, which it must have been difficult to have got provisions across; and, in addition to that, I understood from one of the captains of the navy, Captain Corbett, of the *Neriade*, that the biscuit was not in any large quantities on board the brigs that were off.

Q. Do you mean to state, that the swamp was so deep, as to have prevented the transport of more provisions across it, if the weather had not been so bad?

A. No: I do not: I did not go into the swamp myself; but Captain Corbett, of the *Neriade*, who crossed it, told me, that the conveyance of provisions was extremely practicable.

Q. Under the inspection of what officer of the commissariate was the provisions landed and issued at Point Quilmes and Reduction?

A. A young gentleman, a commissary, whose name I do not recollect: Mr. Bullock, I dare say, will be able to tell.

Q. Did the troops under your command experience much fatigue or difficulty in the march from the heights to Reduction, or afterwards in the march from Reduction to Buenos Ayres?

A. The marches were not very long, but they were very tedious, in consequence of our having the artillery to bring with us: the seamen drawing those guns must have undergone great fatigue; and the troops being exposed to the weather without camp-equipage, it being extremely bad weather on the night of the 3d of July particularly, they must of course have felt inconvenience: but, generally speaking, we were healthy; in addition to which, the crossing the frequent rivulets with the artillery created great delay.

Q. Do you mean then to state, that the artillery, exclusive of other difficulties, would have considerably obstructed the rapidity of your march to Reduction?

A. Certainly.

Q. Were you frequently obliged to halt for the purpose of allowing the artillery to keep up with you?

A. Very frequently, particularly on the occasion of those rivulets occurring.

Q. When you halted for the purposes mentioned

in the last question, did you halt in consequence of your own judgment of the necessity of the halt, or in consequence of any application from the officer of artillery for that purpose?

A. In consequence of my own judgment, seeing the necessity of bringing our artillery with us.

Q. State the effective strength of the whole force under your command at Reduction, including whatever number you found there?

A. There were the dismounted part, and a few mounted of the 17th light dragoons, making together, I should imagine, about five hundred: there was the 40th regiment, with the exception of its light company, which, to the best of my recollection, was about seven hundred; one troop of the 9th light dragoons, dismounted, about seventy strong; a detachment of the 45th under Major Gwynn, which I believe were about one hundred and ten; one company of the 36th regiment, about seventy strong; a detachment of the 88th, about one hundred strong; with the artillery under Captains Hawker and Dixon, about fifty men; I suppose four six-pounders, and two howitzers: I am not quite certain as to the strength of the artillery: and two hundred seamen under the command of Captains Rowley and Joyce of the royal navy.

Q. Can you tell what number of mounted light dragoons there were accompanied your march, not including the detachment which came with an officer of the 17th, with the dispatch from General Whitelocke?

A. I should imagine there were about thirty, originally under the command of Captain Bacon of the 17th light dragoons, but they diminished daily, owing to transferring the horses to the commissariate.

Q. To what use were those horses, when transferred to the commissariate, applied?

A. I do not know: they were taken by the commissariate to carry pack-saddles: what they carried on them, I do not know: they did not march with our column.

Q. Where did they march then, in front or in the rear?

A. In front of my column: I suppose with the Commander in Chief's column: they did not belong to our column: the commissariate-staff did not march with our column: they marched I believe with Sir Samuel Achmuty's command.

Judge Advocate.—My first question was, what number of mounted cavalry had you with your division? your answer was thirty.

A. Yes, originally thirty.

Q. With your division of the army, after your march from the heights, there were only about thirty?

A. Yes.

Q. You stated, that they diminished daily, owing to being transferred to the commissariate: my question upon that was, to what use were they applied: you say they did not march with your column?

A. They were taken from our division to march with Sir Samuel Achmuty's column.

Q. Then after this you had no mounted cavalry with the rear guard?

A. Some few, but I do not know precisely the strength of them: I had returns of them at the time: Captain Bacon, I dare say, can give the precise number; but they differed so much daily, from horses falling off and being lost, that I cannot state the number at any precise time: some marched with our column: those that marched with our column marched in the rear.

Q. About how many marched with your column from the heights?

A. I dare say about eighteen: I dare say there were twelve horses taken from our column before we marched from the heights.

Q. Do you mean to say, that when you arrived at Reduction you had eighteen mounted cavalry?

A. I believe we arrived at Reduction with eighteen mounted cavalry, and that we marched from the heights with that number: our chief diminution, or the whole of it, was on the heights at Barragon; and when we were joined by the officer and twenty men, who remained with us, we were of course reinforced.

Q. When did that reinforcement of twenty mounted cavalry reach you?

A. Within a mile of Reduction.

Q. That made the whole number thirty-eight?

A. Yes.

Q. Can you tell why any mounted cavalry was left with the rear division of the army?

A. I conceive they were left with the rear division of the army, for the purpose of videttes and flanking parties; besides, they were particularly useful in providing cattle for the use of the army.

Q. Had you any Lasso men with your division?

A. None.

Q. Can you tell what provisions were procured for your division by the cavalry?

A. Not the precise amount: we got cattle in large quantities, sheep and oxen more than we required to slaughter during our stay in the country.

Q. During the halt at Reduction, which appears to have lasted from the evening of the 2d to the morning of the 5th, was any reconnoissance made at any time, by you or by your orders, of the bridge over the Chieulo?

A. On the morning of the 4th, I ordered the assisting Quarter Master General Stewart, and Captain Hawker, of the artillery, taking with them twenty dragoons, mounted, of the 36th regiment, to reconnoitre the river, and adjacent country, and, if possible, to get intelligence of the columns of the army, either of the Commander in Chief or the advanced column of the

army, without risking any affair or engagement with any part of the enemy they met; to get such information as they might be enabled: they did not approach the bridge over the Chieulo, it being too distant from us, and they returned about one o'clock, without having been able to open a communication with either column, or to gain any information relative to the bridge or the passage of the river.

Q. Had you any reason to believe that you could not have marched with your division of the army to the Miserere on the 3d or 4th, if you had received orders to do so?

A. From experience since, I think I could; but at the time I did not think it practicable.

Q. What reasons had you at that time to think it would not have been practicable?

A. Previous to the note which I last received, at twenty minutes past ten, on the morning of the 5th, it was generally conceived that the bridge was broken down; a rumour to that effect had obtained.

Judge Advocate.—My first question applied to what you thought on the 3d and 4th, whether, if you had received orders on the 3d or 4th to advance to the Miserere, over the Chieulo, you could not have done so?

A. I conceived, at the time, the bridge had been destroyed, as rumours had stated it to have been.

Q. Supposing the bridge to have remained as it did, were there any other impediments in the way.

of your having marched, in one day, from Reduction to the Miserere, had you received orders to do so ?

A. I think there was no obstacle, except the length of the march ; which, had we been delayed, as we were for our artillery, and waited for it, we could not have effected from sun rise to sun set.

Q. How many miles is it from Reduction to the bridge ?

A. I believe about seven.

Q. How many miles from the bridge to the Miserere ?

A. In the manner that we marched it on the 6th of July, I conceive it to have been about six miles : we made a detour, in order to avoid the guns of the city.

Q. What was the nature of the road from Reduction to the bridge, and from the bridge to the Miserere ?

A. Between Reduction and the bridge there were several swamps to pass, and rivulets ; and it was extremely heavy for the artillery to be drawn in ; and a great part of the road from the bridge to the Miserere was also very heavy.

Q. Supposing the object to have been to give assistance to the troops engaged in the attack on Buenos Ayres, how many hours would it have taken your column, without artillery, with your knowledge of the country, to have marched, by a forced march, from Reduction to the Miserere ?

A. I think we could have accomplished it in four hours.

Q. With the same object in view, and with your knowledge of the country, and the exertions of the seamen and artillery-men, how many hours do you think it would take the whole, or the greater part of the artillery, to have reached the Miserere from Reduction by a forced march?

A. I do not think we could have done it in less than twelve: we were considerably more time in marching it, as we did march it; and, I believe, there was every possible exertion made by the seamen and the artillery-men to bring on the guns.

Q. State the hours at which the detachment under your command marched each day; and the hours it arrived at its ground each night; with the distance of each day's march from the heights to Reduction?

A. On the 1st of July, we marched from the heights at about six o'clock in the morning: we halted at twelve o'clock for about two hours to refresh, and we arrived at about half-past three at the heights; where we took up our ground, making, I suppose, about eight miles in the extent of the day's march. On the 2d, we marched so much before day, as to calculate our arrival at a river, three miles distant, would come to about the time of its being light: it was necessary to pass that river: there were very steep banks, and we did not arrive at Reduction until five o'clock in the evening: the distance, I conceive, to have been from nine to eleven miles: we halted on the 3d and 4th at Reduction.

Q. Are you of opinion, from what you saw of the country between the heights of Barragon and the Chieulo, that supplies of provisions might have been obtained, as the army advanced, had the usual means of patrols and sending light troops into the country been adopted?

A. I do think that cattle might have been had in sufficient quantity, but I conceive that the country afforded no other species of provision.

Q. Do you think wheat might not have been obtained?

A. I think not: it is cultivated in small quantities.

Q. Do you know what corn the inhabitants feed upon?

A. Chiefly wheat: a good deal of Indian corn, the lower order.

Q. Do you mean to state that all the corn, except the small quantity you mention, had been removed before you passed through the country?

A. There did not appear any considerable portion of the country cultivated with corn: it was mostly grass land that we passed over—pasture.

Cross-examined by General Whitelocke.

Q. Were the difficulties arising from the swamps such as have occurred to you in other countries, or of an unusual nature—and did they not exceed any description we had had of them?

A. I think the difficulty was very unusual, and far greater than I had ever heard a description of them.

Q. Was not the ground on the sides of the rivulets swampy, and difficult to cross with artillery; and were not the men obliged to wade through water on each day's march in crossing those rivulets?

A. Yes; to both parts of the question.

Q. How deep were those rivulets ?

A. Some of them varied : I have seen them above the height of the waist-band of the men's small clothes.

Q. Did the length of time occupied in marching the distances mentioned, on the 1st and 2d, arise from difficulties opposed by the nature of the country ; and could you not in any other country have marched even greater distances with your division in less time, and with less fatigue to the troops ?

A. The difficulties that arose in consequence of the country's being so swampy, and of course the difficulty of getting the artillery to pass, the delay was chiefly occasioned by that and the nature of the country ; and I conceive that very few countries could have presented so many obstacles.

Q. As the difficulty of establishing a body of cavalry has much of locality attached to it, will you state, as nearly as you can, the number of horses delivered to the 9th dragoons at Monte Video and elsewhere, how long they generally remained fit for service while undergoing any fatigue, and what the casualties were ?

A. The part of the 9th light dragoons that were mounted consisted only of one squadron that ever acted, and was sent up to Colonia de Sacramento, the remainder acted dismounted, with the exception of one period, at which they received, just prior to the embarking for Buenos Ayres, about 18 horses for two troops, which did not remain in our possession above a few days, but were transferred again to the 17th light dragoons, who were intended to have acted mounted ; the casualties therefore I cannot undertake to say ; they were under the command of Major Ord, at Colonia.

Q. Had you not an opportunity of knowing, as an officer of cavalry, that the casualties in horses furnished to the dragoons were extraordinary, and constantly diminishing the force in an excessive degree?

A. Yes; I had, certainly.

Q. Did I not, at Monte Video, by every means in my power, facilitate the mounting and care of the cavalry?

A. Certainly; I considered so.

Judge Advocate.—I have no question to put to Colonel Mahon in re-examination.

Examined by the Court.

Judge Advocate.—The question communicated to me from the Court applies to a subsequent period than that which at present forms the period within which the Court have decided they will confine themselves, I would therefore submit, it would be advisable to defer the putting this question till Colonel Mahon is called in again on the subsequent period, to which the charges relate.

Q. Did the countrymen who brought you the order on the morning of the 5th inform you by what route they had come?

A. They informed me that they had found very great difficulty in avoiding the Spanish parties, and at length had been obliged to swim the river on horseback: they did not describe to me their route, nor should I have known it if they had, for I did not know the country.

Q. Were the guns in your division at no time, after leaving the heights above Barragon, drawn by horses on the march to Reduction?

A. A part of the artillery was drawn by horses and mules, which were certainly unequal at those

swamps to have got the guns through without the assistance of the seamen ; but there was a part to which there never had been any horses.

Q. Do you know what sort of room, or place, it was where your regimental stores were lodged at Monte Video?

A. Yes ; it was a room on the beach, quite near to the sea, which had been occupied by the 40th foot : previous to our marching into the barracks, it was occupied by our Quarter Master, who was Acting Adjutant of the Regiment in South America : it was not a large room.

Q. Did this place interfere with private property, or the safety of the garrison, at Monte Video?

A. I never heard that it did, with either one or the other.

Judge Advocate.—Having stated that there was a return made to your regiment of the number of stores made away with at Monte Video, have you it in your power to produce that return, or in whose possession is it?

A. Major Ord reported to me, that a return had been made of the quantity of baggage, which was looked upon best to be disposed of, I conclude that it is now in the possession of the regiment : I will write to the Commanding Officer of the regiment for it.

The witness withdrew.

Lieutenant Colonel HENRY TORRENS called in
and sworn.

*The Abstract of the first and second
charges was read over.*

Examined by the Judge Advocate.

Q. I believe you were upon General Whitelocke's Staff on the expedition to Buenos Ayres?

A. I was.

Q. What situation had you upon that Staff?

A. Military Secretary.

Q. Will you state the substance of the information received by General Whitelocke, previous to the leaving Monte Video, of the means and disposition to resist of the Spanish Commander at Buenos Ayres?

A. The information which General Whitelocke received was very defective, as we had never any direct communication with Buenos Ayres; we heard generally that the military and inhabitants of Buenos Ayres were determined to defend the town to the last, and that they had erected batteries in the principal streets, and that the ordnance mounted on them might have been about 40 or 50 heavy cannon; every person from whom information could be obtained was examined as to the best situation for landing the army on the southern side of the river, and the Quarter Master General, and Captain Thompson of the navy, were sent up to reconnoitre: upon the return of the Quarter Master General, the Ensanada de Barragon was fixed upon as the most practicable place for debarkation.

Q. Was any information obtained of the force of the army of the Spanish General?

A. We heard in general that the army consisted of about 8000 men; but the information

was vague: from some persons we heard that it was 8, from some 10, and from others 12,000.

Q. Were you constantly with Lieutenant General Whitelocke, from the landing at Ensanada to the evacuation of Buenos Ayres?

A. Not constantly with him; I was generally in attendance on him, but not constantly: I was sometimes with the advanced guard, and at other times absent from him on various points of duty.

Q. During your march from Ensanada, till your arrival before the town, on the 3d, were you intrusted with the writing or delivery of any orders?

A. Yes; frequently.

Q. Will you state, as far as your recollection will enable you, what those orders were?

A. On the evening of the 28th June, in reply to a report from Major General Gower, of his having reached the heights in front of Ensanada Bay, I was directed to write to him, to desire that he would be prepared to advance, upon the Commander of the forces joining him the next day with the main column of the army; that was the substance of that order. On the evening of the 30th June, in reply to a dispatch from General Gower, I was directed to desire that he would halt upon the ground from whence he reported himself, until the Commander of the forces joined him the next day. On the morning of the 2d of July, about two o'clock, I was ordered to write to the Major General, to desire that he would move that morning.

Q. Have you a copy of that letter?

A. I have not a copy of it; all those notes were written on my knee; and, being in the field, I had not the means of taking copies of them.

Q. Who was present at the time when Lieutenant General Whitelocke dictated that letter?

A. I believe Colonel Bourke was present. Colonel Bourke had been in conversation with the General before I received the order to write that letter; and to the best of my recollection he was present: he was, however, aware of the contents of that letter.

Q. Will you detail, as nearly as you can, the contents of that letter?

A. I was directed to desire that the Major General should advance that morning with the column under his command, feel his way over the Chieulo at any place he might find it practicable above the bridge, to take a position in the western suburbs of Buenos Ayres, and communicate with the shipping; to avail himself of any favourable opportunity of sending a summons to the Spanish General, (referring to some previous conversation or communication they had had on the subject of the terms to be granted), and stating, generally, that it was his intention to support him. To the best of my recollection, that is the substance of the letter I wrote on that morning.

Q. Do you recollect whether there were any expressions in the letter relating to the Major General advancing into the town?

A. To the best of my recollection there was no such expression in the letter.

Q. Does your memory enable you to state with certainty that there were no such expressions in the letter; or do you mean only to state that you do not remember such expressions being contained in the letter?

A. I can positively state that there were no such expressions in the letter; the order was to take a position in the western suburbs; no further.

Q. You have said, that in the letter Major General Gower was informed, generally, that he should be supported by General Whitelocke : can you remember what the expressions were which communicated that intention ?

A. To the best of my recollection, the expression was, " it is my intention to support you with the column under my immediate command."

Q. It was, we understand, about two o'clock in the morning, or rather in the night, that the letter was written ?

A. About two, or half-past two, perhaps fully half-past two, by the time I wrote the letter.

Q. Did the letter purport that Major General Gower was to move that day ?

A. Certainly, that morning.

Q. Were there any expressions in the letter which left the operations of the advanced corps to the judgment or discretion of the Major General, or was the order a peremptory one, like the other orders of the Commander in Chief to the officers under his command ?

A. The order was a peremptory one.

Q. Had any information been received of the strength and position of the enemy at any time subsequent to the landing at Ensanada, and previous to the time you are now speaking of ; namely, the night of the 1st of July.

A. None, whatever.

Q. Was it known, at that time, how many passes there were over the Chieulo, above the bridge ?

A. It was not exactly known ; but the Passo Chico, from every information we had received, was supposed to be impracticable ; at least there was a very considerable doubt of its practicability, and that was the only pass I had ever heard men-

tioned : the guides told us, that, by going further up the Chieulo, we should turn the source of the river ; the Passo Desamora was never mentioned until the guide joined us, subsequently to our march from Reduction, and he seemed to have only a faint idea of it.

Q. Had the guides attached to the different divisions of the army been ever confronted, or the accounts they gave of the country compared with one another, by Lieutenant General Whitelocke, or his orders.

A. Before we reached Monte Video they were not confronted, because one of the guides was unwilling to appear active in the cause, lest it should create a jealousy and injure him ; therefore every communication we had with them was in private. I was never present when the other two, who were Americans, were confronted, but I know they were together, for they went up the river with Colonel Bourke the Quarter Master General.

Q. To which divisions were those two Americans attached ?

A. One of them to General Gower's, and the other to Colonel Mahon's.

Q. Do you know whether the guides attached to the main body, under Lieutenant General Whitelocke's immediate command, and the guides attached to the advanced corps under Major General Gower, were ever confronted, so as to be certain that the two divisions might march in the same direction ?

A. Not to my knowledge.

Q. The Lieutenant General being, as you have stated, without information of the strength or position of the enemy out of the town, were any and what attempts made by reconnoitring or

otherwise, to ascertain it previous to the letter, to the purport of which you have just spoken?

A. I do not recollect that any steps were taken to reconnoitre, except on the evening of the 1st the horses were ordered for that purpose the next morning, but the reconnoissance did not take place.

Q. Do you know what information the Lieutenant General had received from the inhabitants of the country in the course of the 1st, respecting the appearances of the sky and the prospect of bad weather?

A. I had understood that such of the inhabitants as were attached to the Commissary General's department expressed apprehensions as to the change of weather; that is all I know upon that subject. I never was present at their examination.

Q. What were the last orders on the evening of the 1st of July, respecting the operations of the army on the succeeding day, the 2d?

A. No orders whatever were issued that night for the next day, as to any operations.

Q. Had you been told by General Whitelocke, on the 1st of July, whether he did or did not intend to halt the army at Reduction on the 2d?

A. General Whitelocke never actually told me that such was his intention, but I considered it to be so.

Q. State your reasons for forming that opinion?

A. My reasons for forming that opinion were, that the Admiral had sent an officer from the fleet, to know if we wanted spirits or provisions, and that this officer was directed to have a portion of each landed at 10 o'clock the next morning, which, with the General's intention to re-

connoitre, I thought would occupy most part of that day, so as not to give us time for any further operations.

Q. At what hour was the order to march the next day given?

A. At nine or half past nine, I cannot be exact, but about that time.

Q. Was that order the first notice you received of the General's change of intention?

A. That order was the first intimation I received of the General's change of intention.

Judge Advocate.—That question is not quite correct, as Colonel Torrens had not said anything which expressly proves that it was not General Whitelocke's intention to march that day.

Q. Was that order the first notice you received that the General intended to march that day? [I am not sure that that will be quite clear of objection.]

General Dundas.—He had stated in that letter that he would support the advanced guard: he could not support the advanced guard without marching?

A. I am perfectly aware of my having stated that to be the substance of General Whitelocke's letter; but neither the time for this support nor the place of junction was mentioned, consequently I did not know that General Whitelocke meant to march that day. From the letter I wrote to General Gower the expression of the intention of support was general: no time or place was fixed.

Judge Advocate.—Were there any expressions in the order you were directed to send to General Gower which ascertained whether it was the intention of Lieutenant General Whitelocke to march upon the 2d or not. Perhaps I ought to

state to Colonel Torrens that my reason for asking that question is the expression he has used in reference to that letter, that it ended in a general assurance of support.

A. There was nothing in that letter that led me to draw any conclusion as to the period of General Whitelocke's advance. I believe I stated that what I stated, as to the General's supporting him, was to the best of my recollection the mode in which it was expressed.

Q. Did any thing pass in conversation with Lieutenant General Whitelocke at that time which led you to form any conclusion, with respect to the Lieutenant General's intention, as to the operations of the army on the 2d?

A. Nothing dropped in conversation to enable me to draw any conclusion as to General Whitelocke's movements on that day.

Q. How soon after this conversation did you see the Lieutenant General?

A. I saw him immediately after.

Q. Did you see him after the order to march was given and before the march?

A. I saw him before the order to march was given, but I was not on the spot when it was given; I had gone with an order to Sir Samuel Achmuty, and when I returned I found them getting under arms, and that an order had been given for a column to advance.

Q. We have understood that General Whitelocke proceeded a certain way in the morning before the order for the march was given, in his road from Reduction. My object is to know how early in the morning you saw Lieutenant General Whitelocke after having dictated this letter to General Gower?

A. About half after seven or eight I went out

with General Whitelocke a little in front of the line, and we met Colonel Bourke, who was returning after having taken the letter to General Gower.

Q. Were you told by Lieutenant General Whitelocke, whether he intended to proceed to the advanced corps or to make the reconnoissance which had been decided upon the preceding evening?

A. General Whitelocke did not intimate to me his intentions: when I returned from seeking Sir Samuel Achmuty I found that the column had been ordered to fall in, but I was not acquainted with the precise direction it was to take till afterwards.

Q. Did you see Colonel Bourke deliver Major General Gower's answer to the Lieutenant General?

A. I did; I believe he first delivered it to me.

Q. What did Lieutenant General Whitelocke do, after receiving that letter? did he proceed, or return? or, what orders did he give?

A. He spoke apart to Colonel Bourke, after the receipt of that letter; and I heard him say, he would send the 87th to support Major General Gower. I did not hear what passed between the General and Colonel Bourke, except that he said, he would send the 87th to support General Gower. I then went to desire that Sir Samuel Achmuty would order that corps (the 87th) under arms, as it composed part of his brigade. When I was a few yards on my way, in the execution of this order, the General desired that I would direct, that Sir Samuel Achmuty should get his whole brigade under arms. I could not find Sir Samuel Achmuty; and, on my return, I found that the order I have already stated had been given out.

Q. State what orders you received from General Whitelocke, and delivered upon the 2d of July?

A. On our leaving the ground at Reduction, there was an order I wrote, by the General's orders, to Colonel Mahon, merely to desire that he would make all the haste he could with the artillery and stores; and I was directed also to point out the direction which our column took to Major Gwynn, of the 45th regiment, who was left there to protect the sick and fatigued men. In this order to Colonel Mahon, he was directed to get refreshments from the navy, and to follow the General's division, as soon as possible, in a south-west direction. On the halt of the column that day, Captain Whittingham came to me with a message from the General, to desire that I would write to Colonel Mahon, ordering him to halt at Reduction until further communication.

Q. Were you directed to write, or to send any other orders, to Colonel Mahon after the last order you have spoken of, to halt at Reduction during the remainder of the 2d, or during the 3d or 4th of July.

A. On the evening of the 3d, I wrote to Colonel Mahon, to desire he would advance with his detachment, the next morning, towards the bridge, over the Chieulo, and take a position out of the range of the enemy's fire; to remain there until four o'clock in the evening, when, if no order was communicated to him, he was to return to Reduction.

Q. How were you directed to convey this letter to Reduction?

A. We got a man that undertook to take that letter, a native. That letter was never received by Colonel Mahon. This person never delivered that letter.

Q. Did you receive any directions from the Lieutenant General, with respect to the mode in which that letter you have just spoken of was to be conveyed to Colonel Mahon?

A. General Whitelocke directed me to find a person to convey that letter, and I employed an American, who had some local knowledge of the place and its inhabitants, and he brought me a man who engaged to perform that service.

Q. I think you have stated, that there was another order sent to Colonel Mahon; will you state what that order was, and the period when and how that order was sent?

A. On the evening of the 4th, I wrote another order to Colonel Mahon, on the supposition that he had received the previous one, to desire that he would move towards the bridge, on the morning of the 5th, and remain out of gun-shot until orders were sent to him.

Q. At what hour on the evening of the 4th was that order written?

A. About dusk; about five; or, perhaps, half past five.

Q. You have said, that the second letter was written on the supposition that Colonel Mahon had received the first?

A. Yes.

Q. Did I understand you, that it was written about five, or half past five, on the evening of the 4th?

A. Yes.

Q. If he had received the first, he would have marched to the bridge on the morning of the 4th; remained there till four o'clock, and then returned?

A. Yes; and it was on the presumption that he had returned to Reduction that that order was written.

Q. What directions did you receive as to the conveyance of that second order.

A. I had directions to find a person to take

that letter; and I got a man from the Commissary General's department to take it, which he consented to do, in consequence of my promising him a large reward.

The three letters produced by Colonel Mahon were shewn to the witness.

Q. Are those the letters of which you have spoken, except the letter which you have stated was not received?

A. Those are the letters.

Q. The order written, on the evening of the 3d, never having been received, I think it proper to ask, whether you are certain that you are accurate as to the substance of it?

A. Perfectly certain.

Q. Was it known at any time; and, if so, how soon after your arrival at the Couall de Miserere that the enemy had abandoned their position at the bridge of the Chieulo?

A. I understand my reply is not to extend beyond the 4th. There was nothing heard, according to the best of my recollection, on the subject of the evacuation of that position during the day of the 4th.

Q. Were any, and what means taken by patrols, or in any other manner, to obtain information upon that subject, subsequent to the arrival of the main body at the Miserere?

A. I do not know that any measures were taken to obtain that information.

Q. State the substance of the information received from prisoners, or in any other way, of the intentions and means to resist, of the enemy, subsequent to the arrival of the main body at the Miserere?

A. Two Spanish officers, who were taken prisoners in the action of the 2d, stated, that it

was the intention of the enemy to receive us by moveable columns, in the event of the town being stormed, and not to occupy the houses. I beg leave at the same time to state, that Captain Whittingham, who interpreted what was said by those people, and took a minute of their evidence, can give a better account than it is in my power to do.

Q. Of course, that information was communicated to Lieutenant General Whitelocke?

A. It was.

Adjourned to to-morrow morning, 10 o'clock.

FOURTEENTH DAY,

SATURDAY, FEBRUARY 13th, 1808.

Lieutenant Colonel HENRY TORRENS
called in again.

Judge Advocate.—I would suggest to the Court, as the evidence of Lieutenant Colonel Torrens is so important, and as he has had to speak of the contents of letters of which no copy has been kept, it might be desirable for the Court and for Colonel Torrens to have his evidence read over, that he might be quite sure it was accurate; and there is one point, on which I would suggest to Colonel Torrens that there is an accidental mistake in the date he has given to one of the letters: the order of the 4th to Colonel Mahon is stated in his evidence to have been written at between five and six o'clock; it appears, by the date of it, it was eight; perhaps the date was the date of the hour at which it was sent?

A. I rather believe I can explain that, by its being written about dusk, but my not dating it till I had found a man to take it.

The evidence given by Lieutenant Colonel Torrens, of yesterday, was read over, and the following correction made:—After the words “five, or half-past five.”

Colonel Torrens.—I wish to add that it was dated later; it was not dated till I had found a person who would take it.

Judge Advocate.—Do you know of any in-

formation received from Mr. White, upon the subject of the strength and intentions to resist of the enemy, and if you do, state what it was?

A. I do not recollect any particular information being received from Mr. White, except, that he did not conceive the force in Buenos Ayres to exceed 6000 men; and, I believe he expressed a confident expectation that the enemy would surrender if we gained a position on each flank, that is, in the Plaza del Tauros and the Resendencia.

Q. Did you hear from Mr. White, or from any other quarter, any information upon the subject of the intention of the enemy to occupy the flat roofs of the houses?

A. I heard, generally, that the enemy intended to defend the town in that manner; and the first intimation we received to the contrary was, from the examination of the two Spanish officers: I never heard Mr. White say anything on the subject.

Q. Were you in attendance upon General Whitelocke, from the time of the junction at the Miserere till the close of the 4th of July?

A. I was with him at the period of the junction, but from that time I did not see him till about four o'clock.

Q. Will you proceed to state the periods during which you were in attendance upon Lieutenant General Whitelocke, from that period till the close of the 4th, and how he was employed during those periods, and any conversations which passed between the Lieutenant General and yourself, upon all the subjects relating to the attack upon Buenos Ayres, and the army under his command?

A. General Whitelocke had no kind of conversation with me upon the subject of the attack

upon Buenos Ayres. I was present at a conversation with Colonel Bourke.

Judge Advocate.—It will be better, instead of putting express questions upon each particular, to request you to give a narration of whatever conversations passed upon these subjects. A paper is put into my hand, which I think it is quite right to read : it is suggested, whether the question should not be what orders Lieutenant General Whitelocke gave : it is stated, because the Lieutenant General might have made communication with respect to the conduct of officers under him to his Military Secretary, which comes under the general words “relating to the army,” which are yet by no means fit to be repeated ; undoubtedly, supposing the question could be understood to call upon the witness to state any conversations of that nature, clearly confidential with respect to the conduct of officers under General Whitelocke, it is a complete misapprehension of the question : the question has this object in view, to obtain from Lieutenant Colonel Torrens all the information which he can give respecting either the conversations or the conduct of Lieutenant General Whitelocke, from the period alluded to in the question, in relation to the operations of the army : if, in the course of that conversation, circumstances have occurred of the nature pointed out in the paper which I have just read, unquestionably the question does not call upon Lieutenant Colonel Torrens to give any information of that nature, that would, I apprehend, be of a nature strictly confidential ; it would be a species of communication made by a commanding officer to his Military Secretary, not as Military Secretary, but confidentially as a friend ; and, in that point of view, I should conceive that sort of conversation the Court would not wish to have it inquired into.

Colonel Torrens.—I am much obliged to the

Court for their instructions upon that head ; for I conceive what passed between General Whitelocke and myself upon those subjects, as sacred ; and I should not have felt myself at liberty to have divulged any circumstances of that kind.

Judge Advocate.—Then, with that explanation, you will feel no objection to answer the question ?

Colonel Torrens.—Certainly not.

The question was read to Lieutenant Colonel Torrens.

Judge Advocate.—If there are any expressions which can be introduced into that question, from the suggestion of any officer of the Court, or, I would say, of General Whitelocke himself, which can clear up the object I have in view in putting that question, I should be extremely glad to receive the communication of any of the Court, or of General Whitelocke himself upon it.

A. With the instructions the Court has been so kind as to give me, I trust I shall be enabled to draw the line shortly after my arrival at headquarters. On the evening of the 5th, Colonel Bourke returned from having visited the out-posts, General Whitelocke then mentioned to us both, but particularly addressing himself to Colonel Bourke, that he had in his hand a paper, containing a plan of attack the next day : he mentioned that it was suggested by General Gower, and expressed himself extremely averse to it, on the score of its inhumanity ; he said, he certainly would erase the order for making no prisoners, and that, before the plan was carried into execution, he would again send a summons to General Liniers. I suppose it is not the intention of the Court, I should mention any replies made to General Whitelocke, by Colonel Bourke ?

Judge Advocate.—Yes, it is wished that you should : the whole of the conversation.

A. Colonel Bourke said it was a very novel kind of attack, or some expression of that kind, and also that he thought that it would be attended with the sacrifice of a great many lives. Colonel Bourke added, however, he thought it would succeed. I merely remarked the weather having set in to rain it was necessary some prompt measures should be adopted ; that was all that passed at that time. Shortly afterwards, General Craufurd came to head quarters, and the General addressed himself to him pretty much in the same terms as he had to Colonel Bourke. General Craufurd and I looked over the plan of the town, and were applying the plan of attack to it, when he started a difficulty, from the idea that it was the intention to penetrate down the centre, instead of making an impression on the flanks : he made objection to it on that score, and said he would go and talk to General Gower. A few minutes after General Craufurd's departure, I found that he had made a mistake, and that there was no such intention in the plan. I do not recollect any further conversation that night. I was busied in making copies of the plan of attack to deliver to the officers of the several corps, and it was understood that it was to take place the next day, at half past twelve o'clock. General Gower engaged to bring the Brigadiers to head quarters at eight, or between eight or nine, to receive their final instructions. Nothing further occurred that night. The next morning, General Whitelocke desired me to write a letter to General Liniers, which letter I believe has appeared in the publick papers ; the General wrote the letter himself and I copied it. The General also wrote a circular letter to the Brigadiers, saying that he was obliged to adopt that mode of

attack, in consequence of the local inconveniences under which the army labored, or some words to that purport; and calling on them to make every exertion in their power to prevent the effusion of bloodshed, which might be expected from it. Shortly afterwards General Gower and the Brigadier Generals came to head quarters, and I was sent out of the room with the rest of the staff. I understood, when the conference broke up, that the attack was deferred until six o'clock the next morning, the morning of the 5th. In the detail of the circumstances which may have occurred, I trust the Court will allow me to draw the same line with regard to others, which I have with regard to conversations I had with General Whitelocke. I understand I am not called upon to detail any conversation with any other person?

Judge Advocate.—Certainly not, unless that conversation passed in the presence and hearing of General Whitelocke.

A. Shortly after this, about eleven o'clock, I accompanied General Whitelocke, who rode out to view the position. I believe he returned in the course of an hour (nothing particular occurred), having gone to the centre, where he held some conversations with several officers: I really do not recollect who they were. General Craufurd was posted there; it was very likely with him and others, but I am not clear upon that subject; there were several Officers there; it was General Craufurd's post: nothing particular occurred that day that I can possibly call to my recollection. I wrote the letters to Colonel Mahon, which I have already related in the course of my evidence, and every thing was arranged for the attack the next morning, and the Generals and commanding officers of columns got their orders.

Q. From the time of the Lieutenant General's

arrival at the Miserere, on the 3d, did he make any reconnoissance towards the town previous to the close of the 4th of July?

A. Not that I know of.

Q. How near were your quarters to those of the Lieutenant General?

A. I was quartered at the same place with him.

Q. In Mr. White's house?

A. Yes.

Q. Then, if he had made any such reconnoissance, must not you have known of it?

A. From the situation I held I must naturally have known of it.

Q. How soon after his arrival at the Miserere were the head quarters established at Mr. White's house?

A. Immediately after our junction with General Gower I heard General Whitelocke ask him, which was the best situation for head quarters; and General Gower pointed out Mr. White's house. I do not know when it was established as head quarters. I did not go there myself for about an hour afterwards.

Q. State for how long a time together, and at what periods, the Lieutenant General was absent from head quarters, from the period at which the head quarters were established at the Miserere to the close of the 4th of July?

A. I do not recollect that the Lieutenant General was absent any time from head quarters during that period, except for the hour I have already mentioned. I am not clear as to its being only an hour, it may have been more, perhaps.

Q. What is the distance from Mr. White's house to the entrance of the town?

A. The suburbs are so extended that it is dif-

ficult for me to say what is the entrance of the town. Mr. White's house is about two hundred and fifty or three hundred yards in rear of General Craufurd's position that was at the Corral.

Q. Did Lieutenant General Whitelocke ever inform you, whether he had formed a plan of his own; whether he had formed any plan for the attack of the town, besides that which you have spoken of in your evidence?

A. I never understood from General Whitelocke that he had formed any precise plan. He had a general idea even before he left Monte Video of proceeding to the north west of Buenos Ayres, and throwing his left flank on the river, for the purpose of communication with the navy. It was always his intention, however, to be guided by local circumstances.

Sir John Moore.—I understood the question to relate to any plan formed by General Whitelocke after his arrival.

Judge Advocate.—I wish to know whether you had any knowledge of any plan of General Whitelocke's for the attack upon the town subsequent to his arrival at the Corral.

A. None whatever subsequent to his arrival at the Corral.

Judge Advocate.—I believe I framed my question so as to include information which Colonel Torrens might have of any plan formed at any time by General Whitelocke.

Q. Having stated that you accompanied General Whitelocke the only time that he left headquarters after his arrival at the Miserere, did he then visit the advanced posts of the army, or how far did he proceed in that direction?

A. General Whitelocke did not go further than

the left of the column where the central brigade was then parading.

Q. Was the station where the commander of the forces was to be found on the day of attack to your knowledge ever notified in orders, or otherwise, to the officers of the army?

A. It was not notified to my knowledge; I never heard it mentioned that day.

Q. Were the points of retreat, if retreat should become necessary, ever notified to the officers of the army?

A. No provision was made for retreat; I believe the general idea was, that our operations would be crowned with complete success.

Q. Have you any other information to give to the Court on the subject of the charges you have heard read against Lieutenant General Whitelocke, so far as they relate to the period to which your examination has been confined?

A. That question puts me in rather an awkward predicament, for it leaves me to judge what relates to General Whitelocke's conduct; I do not recollect that I have left out any thing, but perhaps hereafter something may occur to my mind. I beg to state, that, for the sake of my own feelings, it is difficult for me to judge what attaches to the conduct of General Whitelocke.

Judge Advocate.—It is impossible for any one who asks the questions of Colonel Torrens, as a witness upon this subject, to know what information he may possess, or what answers he may give: the questions which I have proposed have been with a view to obtain information on those points, on which it was probable he might have information to communicate; there may probably be others on which it is impossible for those who do not know all which Colonel Torrens does, to be able to propose a question; it is therefore with a

general view of obtaining all the information which the Court has it in its power to obtain from the witness, that I have put the question.—If Lieutenant Colonel Torrens does not remember any other facts on the subject of the charges which he has read, he has only to say, that he has stated all which he recollects attaching to the conduct of Lieutenant General Whitelocke on the subject of those charges.

A. Generally speaking, I have stated every thing which occurs to my recollection; I do not at this time remember any other points which are material; I have answered the points put to me, and endeavoured to answer them to the best of my recollection. If I reflect a little, there probably may be other circumstances which I do not recollect; I cannot take upon me to say, at this moment, there are no other circumstances which bear upon the charges, but I do not recollect any other circumstances.

Cross-examined by General Whitelocke.

Q. Did I avail myself of every means of procuring guides and information; and was not the disposition of the country so hostile to us, as to render it very difficult, and almost impossible, to procure any satisfactory intelligence?

A. The disposition of the country was so hostile that it was almost impossible to procure intelligence that was satisfactory; and General Whitelocke certainly availed himself of the assistance of such people as were willing to afford information.

Q. Was not the disembarkation much retarded by our being obliged to go into a small creek, instead of landing on the beach, as we had been led to suppose we might, by our guides and pilots.

A. Certainly, if the water had been of sufficient draught to have enabled the army to land with an

extended front, the disembarkation would have been much more expeditious.

Q. Were we not led by the guides and pilots to suppose, that the men would land at Ensanada, upon the beach; and was not it attempted?

A. We were led to suppose so, and it was attempted.

Q. Had the description of the road, from Ensanada to Buenos Ayres, particularly across the swamp given us by the guides, or others, led us to form a just conception of the difficulties we afterwards experienced?

A. I always understood, from the guides, that the swamp ran parallel to the right bank of the Plata, but their descriptions of it never gave an adequate idea of the difficulties we encountered.

Q. In the course of your former services, in the East and West Indies, and upon the Continent of Europe, did you ever witness the march of an army through a swamp like that between the Ensanada and the heights of Barragon?

A. I never recollect, in any of those countries, to have marched through a morass such as that from the Bay to the heights of Barragon.

General Whitelocke.—I have no further question to trouble Colonel Torrens with till I come upon my defence.

Re-examined by the Judge Advocate.

Q. You have stated, in your first answer to the questions put by General Whitelocke, that the disposition of the inhabitants was so hostile as to make it impossible to procure intelligence,—I would ask, whether, if it was impossible to procure intelligence by fair means, the usual means

were resorted to, after the landing at Ensanada, of seizing persons capable of giving intelligence, by making strong and extensive patrols of light troops, or was the necessity of it obviated by strong reconnoitring parties.

A. It was impossible to seize any of the peasantry, as they evacuated the country on the approach of the army; the only two men that remained were seized, and no such patrols or reconnoitring parties were formed.

Examined by the Court.

Q. Do you know how far the Passa Dazamora, where the main body of the army crossed the Chieulo, is below the source of the river?

A. I do not know.

Judge Advocate.—I believe I must remind you of the point to which the question relates, which I am about to put to you, by stating, that, in the course of your examination, you have said, that upon the 3d of July you had a conversation with General Whitelocke and Lieutenant Colonel Bourke, on the subject of the plan. The question I wish to put to you upon it is, whether you know that the Lieutenant General and Colonel Bourke had had any conversation upon the plan of attack on the 3d, previous to that which you have stated?

A. Not that I am acquainted with. And I am inclined to think that was the first conversation they had on the subject. It is impossible I can speak with any certainty upon that subject; but, from the tendency of their conversation, it appeared to me, it was the first conversation on the subject.

Q. In that conversation which you are speaking of, are you sure, or do you know, who first proposed the erasure of that particular part of the plan relating to making no prisoners?

A. To the best of my recollection, it was General Whitelocke; but, I am not clear upon that point.

A Member.—Do you know the distance from the bridge where Colonel Mahon was ordered to halt, until further orders, to the nearest part of the town?

A. To the nearest part of the town it may have been two miles and a half, or three miles; but, I cannot speak with any precision. The Spaniards called the bridge, four miles from the body of the town; therefore, I imagine, it may have been from two and a half to three miles, from the bridge to the nearest part of the town.

Q. Do you know how far it is from the bridge to the Residencia?

A. I cannot speak with any certainty; but, I should suppose about three miles and a half, perhaps.

Q. Having stated that no patrols were sent out, how was it ascertained, that the Ustantias, in a south western direction from the heights of Barragon, were evacuated by the inhabitants, or those in any other inland direction, before the 1st of July?

A. They were afterwards found to be evacuated on the arrival of the advanced guard of the column.

General Dundas.—It has been mentioned by the witness, that a circular letter was written by General Whitelocke, stating, that, owing to great inconveniences, he should adopt General Gower's plan of attack; I wish to know, whether Colonel Torrens can inform us what were the inconveniences which were referred to in General Whitelocke's circular letter to the Brigadiers, of which he has spoken, which induced General White-

locke to adopt the plan of attack proposed by General Gower?

A. Those inconveniences——

Judge Advocate.—I would suggest to the Honorable General, that, as that is a public letter, and I understand it was sent, among public papers, to the office of the Secretary of State, perhaps it will itself best speak for its contents.

General Dundas.—I do not want to know the contents of the letter, but the circumstances referred to: he says, that it was the inconveniences, under which the army laboured, which induced him to adopt the plan of attack proposed by General Gower, which was that by coup de main, instead of that which he appears himself previously to have intended?

General Whitelocke.—The letter expresses so many of those reasons as I thought it wise to express.

Judge Advocate.—I did not understand the object of the Honorable General. I understand now, that he wishes, there being inconveniences intimated, Colonel Torrens should state whether he knows where those inconveniences were?

A. Those inconveniences arose from the heavy rains then falling, and the probable want of provisions. The want was, in some measure, experienced at the moment, for the men had been without spirits for several days.

Q. Might not a communication have been established with the ships at that time?

Colonel Torrens.—On which flank does General Dundas mean?

General Dundas.—On either flank.

A. We had had a communication at Reduction on our right flank.

Q. I mean in front of the town.

A. Not without an action, certainly. Not without gaining a position on the enemy's flank : if we had taken an extended circuit to the left, we might have communicated : perhaps we might have moved our position to open a communication with the navy. We might have gone either to the left or the right of the town. There must have been a movement of a considerable force to have established a communication. The question is in some degree indefinite : certainly, a movement might have been made to the left, and a communication made with the river. If it was meant that we should go to La Plaza del Tauros ; we could not do it without.

Q. Could you have communicated with the shipping without dividing your force ?

A. From the Recolita there might have been a communication opened with the river. The Recolita was in rear of La Plaza del Tauros, with the left flank of the army.

The witness withdrew.

Captain CHARLES MAXWELL called in and sworn.

Examined by the Judge Advocate.

Q. I believe you were Aid de Camp to Major General Gower, in the expedition to Buenos Ayres ?

A. I was.

Q. Did you at any time, and when, receive from Major General Gower a letter, purporting to come from Lieutenant General Whitelocke ?

A. I did.

Q. When ?

A. I received many letters of that description.

Q. On the 2d of July ?

A. On the 2d of July, Major General Gower gave one into my charge.

Q. Did you see the contents of that letter?

A. I did not read it.

Q. Was the letter, of which you now speak, that which you destroyed upon the 4th, to prevent its falling into the hands of the enemy?

A. It was.

Judge Advocate.—Then I need not trouble Captain Maxwell with any other questions. You did not read the contents of that letter at any time?

A. No ; I did not. The General gave it me upon the march, and I put it up with the rest.

The witness withdrew.

Captain WHITTINGHAM, called in and sworn.

Examined by the Judge Advocate.

Q. I believe you were upon Lieutenant General Whitelocke's staff, upon the expedition against Buenos Ayres?

A. I was an extra Aid de Camp.

Q. Did you, by Lieutenant General Whitelocke's directions, convey any letter, written by his orders, to Colonel Mahon, at Reduction, on the 1st or 2d of July.

A. No ; I did not.

Q. You were not, at any time, during the march from Ensanada to Buenos Ayres, sent to convey any orders to Colonel Mahon?

A. I was not.

Q. After the arrival of the main body at the Miserere, did you at any time, and when, proceed into the town of Buenos Ayres, with a flag of truce, and for what purpose?

A a .

A. On the morning of the 4th, I was sent into Buenos Ayres with a flag of truce, and a letter to General Liniers.

Q. Did you see the contents of that letter?

A. I did not.

Judge Advocate.—I will now produce a copy, certified from the Secretary of State's office, as being a copy of that received from Lieutenant General Whitelocke, of the letter he sent into the town by Captain Whittingham.

It was read.

Q. I believe you brought back an answer to that letter?

A. I did not. I waited half an hour: the answer did not come, and I returned to head quarters.

Q. How far did you proceed into the town upon that occasion?

A. A little more than a mile from head quarters, I think.

Q. Did you communicate to Lieutenant General Whitelocke, on your return, the observations which you had made of the strength and preparations of the enemy?

A. I saw nothing but their out posts; and, during the time I was there, all hostilities were suspended.

Q. Did you examine the prisoners who were taken upon the 2d?

A. I examined two officers.

Q. Will you state the account they gave you of the position, disposition to resist, and strength of the enemy?

A. They said, that, previous to their leaving the town, the principal defence had been prepared on the side next to the river; and, that they

heard it reported, that General Liniers meant to occupy the Streets of Buenos Ayres with columns of troops.

Q. Was that the substance of all the information they gave you?

A. That was all the information I was able to procure from them.

Q. Did you learn from them when they had left the town?

A. If I recollect, they had left the town on the 1st, the day before they were taken.

Q. Did you learn from them, or from any other information, whether the enemy had evacuated the position they had at the bridge?

A. I did not.

Q. I believe you understand the Spanish language?

A. I do.

Q. From your knowledge of the language, had you the means of obtaining information from any of the natives upon the subjects to which I have already referred, between the period of your arrival at the Miserere, and the close of the 4th of July; and if you had, state what was the substance of it?

A. The two officers I examined appeared to be amongst the most intelligent of the prisoners.

Judge Advocate.—My object is to learn what information you received subsequent: it appears, that those officers left the town on the 1st or 2d.—I wish to know, whether you received any information relating to a period subsequent to their leaving the town?

A. I received none subsequent to that.

Q. Do you know what information was communicated by Mr. White upon those subjects?

A. I do not.

Q. Was the station in which the commander of the forces was to be found on the day of the attack notified, to your knowledge, in orders, or otherwise, to the Generals and the other officers of the army?

A. I do not know that it was.

Q. Were the points of retreat, if retreat should become necessary, pointed out in any manner to the Generals or officers of the army?

A. Not that I know of.

Q. Were your quarters at Mr. White's house, or how near the head quarters?

A. It was at Mr. White's house, with the General.

Q. Did the Lieutenant General make any reconnoissance towards the town?

A. I was not present at any.

Q. As it is possible you might have known of some reconnoissance, at which you were not present,—do you know of any having been made?

A. I do not.

Q. If any had been made, must you not have known it?

A. I think I must.

General Whitelocke.—I have many questions to ask Captain Whittingham; but I shall reserve them for my defence.

Examined by the Court.

Q. Did you see General Liniers, or any other principal officer, when you went into the town with a flag of truce; and had you any conversation with any officer that you saw there?

A. I did not see General Liniers. I delivered the letter to an officer of artillery, who commanded

that part of the enemy's outposts. I had no particular conversation.

Q. Did you examine the guides on the march from Ensanada ; and if so, were those with Lieutenant General Whitelocke's column, and those with Major General Gower's column, ever confronted ?

A. There was no particular examination of the guides till we came to Reduction. I do not know that those with General Whitelocke's column, and those with General Gower's column, were ever confronted.

The witness withdrew.

Judge Advocate.—I may as well take this opportunity of reading the answer to that letter, which I have already proved to have been sent in by Lieutenant General Whitelocke : it is admitted by General Whitelocke to be correct.

It was read.

Rear Admiral GEORGE MURRAY called in, and sworn.

Examined by the Judge Advocate.

Q. Will you state whether any, and what means were taken to ascertain the propriety of landing at the Ensanada de Barragon, in preference to other places.

A. When I arrived at Monte Video, I found Admiral Stirling had sent Lieut. Colonel Bourke, the Quarter Master General, up the river, in the Fly sloop, for the purpose of ascertaining the best place for landing the troops : Admiral Stirling informed me, that Ensanada de Barragon was thought to be the best place, both by the Quarter Master General, and Captain Thompson, of the Fly ; and, as General Whitelocke was particularly anxious to put his orders in force, this place was

thought the best adapted for the purpose ; and therefore no other was at that time looked for.

Q. What means were taken, and with what success, for provisioning the army on its landing, and during its subsequent operations?

A. The transports, that came from the Cape of Good Hope with me, had nearly three months provision in them for 5000 men : the greater part of those transports went up the river with the troops ; besides which, I think there were two victuallers, with a quantity of provisions in for the army.

Q. What measures were taken with a view to co-operation between the sea and the land forces, more particularly whenever the latter should have obtained a position to the westward of the town ; and state the cause why such measures were not carried into effect ?

A. I informed the General, upon his leaving Barragon, that whenever he came to the water side, of course I should communicate with him ; and, the day after leaving Barragon, transports were sent up, by my direction, to anchor as near Buenos Ayres as the shoalness of the river would permit :—other transports, with a victualler, I kept in shore, as near as they could go between Barragon and Buenos Ayres, for the purpose of landing provisions for the army, in case the General should have occasion for them ; and, on the 1st of July, perceiving the army on their march, near the villages of Reduction, I sent an officer on shore to communicate with the General, and to ask if he was in want of any thing that the squadron could supply him with : the officer returned on board the *Neriad* the next morning, and informed me, that the General wished very much I would land bread and spirits for the army : the quantity required at that time, by the officer commanding the division which was near the shore,

was immediately landed ; the officer, at the same time, observed, that he believed a depôt for provisions would be necessary at Reduction ; a quantity was immediately ordered to be landed, part of which was on the beach, when the officer was informed that that division was to march on, and, of course, that there was no person to take charge, or to keep the provisions. Provisions were likewise ready to be landed, if required, after our troops took possession of the Plaza del Tauros : three days provisions were ordered to be dressed for the troops when they disembarked at Barragon, and three days bread and spirits was reported to me to have been landed, I think, on the 2d of July, for the division of the army commanded, I think, by Colonel Mahon ; more could have been landed, if Colonel Mahon had wished for it.

Judge Advocate.—There is one part of the question which does not appear to have been answered, with respect to the measures to be taken for co-operation, when the troops should have got possession of the town.

A. The transports having the artillery, the heavy cannon were ordered to the westward of the town, on the 3d of July, by the particular request of General Whitelocke ; having received a letter from Colonel Bourke, the Quarter Master General, I think on the 2d of July, stating that it was the General's direction that he should inform me of his intention of marching to the westward of the town, and requesting I would order the vessel, having the heavy artillery in, to that place ; I likewise ordered the four gun-boats, with such armed vessels as drew but little water, under the command of Captain Thompson, of the Fly ; those gun-boats, and the vessels having the heavy artillery on board, were to the westward of the town on the 4th ; the gun-vessels being

ready to co-operate with the army, whenever it might be thought necessary ; understanding from the letter from Colonel Bourke, as well as from the conversation that passed between the General and myself, when on board the *Neriad*, that it was the General's intention to make his attack from the westward of the town.

Q. How near could the transports approach the shore at Point Quilmes.

A. I think they might have approached as near as a mile, or thereabout, as there is a channel within-side the bank ; but the depth of water was very uncertain, as it is governed so much by the winds ; and falls suddenly with the wind, at north north west, seven or eight feet.

Q. How far was it practicable to bring vessels to the westward of the town, with a view of landing artillery and stores ; and what facilities did the mouth of the Chieulo afford for that purpose ; and state the cause why no attempt was made of this nature, on these, or any other points ?

A. To the westward of Buenos Ayres, and off Buenos Ayres, it is so very shoal, that the vessels could not, with safety, be brought to remain for any time within five or six miles of the landing place ; for the gun-brigs, which drew little water, were frequently aground, within two, three, and four miles of the shore : the entrance of the Rio Chieulo, at low water, I understood to be nearly dry on the bar : I do not mean to state that there was any difficulty in landing the cannon, as the boats might have landed the cannon ; and cannon was actually in the boats ready to land, when the truce was made ; of course, while the truce lasted, all operations of that kind were at a stand : when I say there was no difficulty in landing the cannon, I do not mean to say but that the water falling so suddenly would occasion its taking

some time; but that the cannon might be landed?

Q. Do you mean to state, that the circumstances which you have mentioned, in your answer to the last question, presented insuperable obstacles to an attack upon the east of the town, by a portion of the troops, conjointly with the navy, at the same time when the town was attacked by the army in the opposite quarter.

A. I have no doubt that the gun-boats could have assisted in an attack on the east part of the town, but not so effectually as attacking it from the westward; and, as I conceived it to be General Whitelocke's intention to attack the town from the westward, the gun-boats were all there for that purpose.

Q. What was the quantity of small craft employed in the expedition to Buenos Ayres, and the quantity and nature of armed vessels drawing a small draft of water?

A. I do not think that there were more than five or six vessels, that were of easy draft of water, enough to assist in the attack on the town; for one or two of the gun-boats, which drew but little water, were at times aground during the attack.

Q. By the attack, you mean the attack on the 5th?

A. The attack on the 6th; the gun-boats were placed, and kept up a fire on the 6th.

Q. What number of seamen were landed with the army on the 28th and 29th?

A. I think about 220 besides officers; upwards of 200 certainly were landed with the artillery, to march on with the army.

Q. Had you any communication with Lieutenant General Whitelocke upon the subject of the

number of seamen that could be spared by the fleet, to assist in the operations of the army, and, if you had, state it?

A. General Whitelocke requested I would allow of 440 seamen being landed; which number were ordered, and were sent up the river for that purpose; but, finding that the boats for landing the troops would require a great number of those men to man them, I informed the General, that half that number should land with the first division, and march on, under his direction; and that the other half, after the troops were landed, he should have, if he found it necessary, although I had left the ships at Monte Video very short of men; having landed, by the General's request, the marines of the squadron at Monte Video: when the troops were landing, Captain Frazer, of the artillery, informed me, that if we could land the horses, he did not think he should have occasion for more seamen; and no request being made for the 220 seamen which had been kept for disembarking the troops, I concluded that they were not wanted; and, on the army marching on from Barragon, I sent them down to their ships, at Monte Video.

Q. Subsequently, then, to the landing of the troops, no request was ever made to you, on the part of Lieutenant General Whitelocke, to land the other 220 seamen?

A. None.

Q. Have you got Colonel Bourke's letter?

A. No, I have not; I have left it with my papers at Portsmouth; I will write for it, and endeavour to get it up, if you wish it.

Judge Advocate.—I have no wish to have the letter; but, if General Whitelocke wishes to have it produced, it should be procured.

General Whitelocke.—Which letter does Admiral Murray refer to?

Admiral Murray.—When you were about to march on Colonel Bourke's route, a letter, by your orders, requesting that I would order the fleet to the westward.

General Whitelocke.—Just as the court please, I have no wish whatever upon the subject.

Judge Advocate.—The Court have already the substance of the letter from Colonel Bourke, the writer of the letter, and also from Admiral Murray; but, perhaps, it would be better that the court should learn the contents of the letter from the letter itself, therefore, perhaps, it will be better you should have the goodness to write for it. The substance of the charges not having been read to Admiral Murray at the commencement of his examination I should wish it should now be read.

The abstract of the first and second charges were read to Admiral Murray.

Judge Advocate.—Having heard those charges read, I would ask whether you have any other information to give upon the subject of them than what you have already communicated to the Court, confining that information to the close of the 4th of July?

A. I can only state, that I believe every exertion was made use of by General Whitelocke to get up to Barragon, and that he was very anxious to put in force the orders that he had received; what occurred on shore, of course, I cannot possibly be a judge of, and I did not see General Whitelocke again till the 7th of July.

Cross-examined by General Whitelocke.

Q. Do you remember the circumstances of our

landing and being obliged to look for a proper place, in consequence of the first men being obliged to wade through the water, and was not considerable delay occasioned by our being obliged to land in the Creek.

A. The landing, at first, was certainly attended with the soldiers being wet getting out of the boats, but not to any great number. I believe four or five boats at most, but in about an hour a proper place was found for landing the troops, which was so very convenient, during the remaining part of the day, and while the tide was in, that not only the troops landed, but the artillery was landed without difficulty.

Adjourned to Monday, 10 o'clock.

FIFTEENTH DAY,

MONDAY, FEBRUARY 15th, 1808.

Lieutenant Colonel TORRENS called in again.

Judge Advocate.—I have to acquaint the Court I have been informed that Lieutenant Colonel Torrens wishes to explain or to add some thing to his evidence, I now therefore call upon him to state any thing he has to add.

Colonel Torrens.—I have to apologize to the Court for having omitted to state one fact, relative to General Whitelocke's absence from head quarters on the 4th of July; it is of a very trivial nature, but lest it should impeach my recollection on other points I would state it. General Whitelocke proceeded to the centre upon another occasion besides that which I have stated on the 4th of July; if the Court wish me to state the particulars I am very ready to obey their commands.

Q. Will you state the period and the length of his absence, and all the circumstances connected with it within your knowledge?

A. About three quarters of an hour after General Whitelocke's return from the Corral, the first time, I was riding in the centre with Major General Gower; the picquets were then engaged, and, in consequence of a report from an officer relative to some movements on the part of the enemy, General Gower ordered the central brigade to get under arms and hastily proceeded to head quarters, to report the circumstance to the

General and to propose withdrawing the out-posts, to induce the enemy to leave their fastnesses in the town. General Whitelocke consented to the proposition, and immediately mounted his horse and proceeded to the centre. In the course of a quarter of an hour or twenty minutes it was found that the manœuvre was not attended with the desired effect, and General Whitelocke ordered the posts to be resumed, and then returned to head quarters. It was subsequent to his return that the examination of the Spanish officers took place, which I have already related to the Court. I do not recollect any thing further that occurred on that day. There is another part of my evidence which, with the permission of the Court, I should wish very much to explain: the letter which was written to General Gower, on the 2d of July, was signed by me, although dictated by the General, therefore the quotation which I gave from it, with regard to the General's intention of supporting the advanced column, was incorrect, in as much as it was expressed in the General's person; I should have stated "It is the intention of the commander of the forces to support you with the column under his immediate command."

Q. How long was Lieutenant General Whitelocke absent from head quarters, at the time you have last spoken of; and during his absence did he make any reconnoissance of the town?

A. He was absent about twenty minutes, but it is difficult for me to state that with any degree of accuracy; it may have been more or it may have been less; it was about twenty minutes, and he did not make any reconnoissance of the town, to my knowledge.

The witness withdrew

Captain JOHN SQUIRE called in and sworn

The abstract of the two first charges read.

Examined by the Judge Advocate.

Q. I believe you were Commanding Officer of Engineers in the expedition to Buenos Ayres?

A. I had the honour to be Commanding Officer of Engineers.

Q. Had you any and what number of pontoons under your care, to assist the operations of the army on that expedition?

A. There were six pontoons, with all the necessary equipage and all the carriages to convey them.

Q. They were embarked at Monte Video?

A. Yes.

Q. Do you know the particular operation for which those pontoons were especially provided?

A. I understood those pontoons were prepared for the passage of the Rio Chieulo.

Q. Were they ever landed, and when?

A. Part of them were landed on the morning of the 28th of June.

Q. Was that part re-embarked, or did they accompany the army?

A. They were re-embarked by the order of Colonel Bourke the Quarter Master General of the army.

Q. Were they ever made use of during the expedition for any purpose?

A. No, never.

Q. Do you know why they were not used during the expedition?

A. Colonel Bourke, of the Quarter Master

General's department, told me, that there would be no occasion to disembark any stores in our department, except a few intrenching tools, at that time.

Q. This was at the Ensanada?

A. Yes: at the Ensanada de Barragon, the place of disembarkation.

Q. Do you know why they were not landed any where else, so as to be used during the expedition?

A. The Point of Quilmes, below Reduction, was the only point where they could be disembarked: afterwards, they were not disembarked there.

Q. My question is, whether you know why they were not?

A. I do not.

Q. Might they not have been disembarked at Point Quilmes, if it had been thought advisable?

A. I cannot speak from my own personal knowledge; I was not there.

Q. Will you state the quantity of intrenching tools which accompanied the army, and when they were delivered to the troops, and in what proportion?

A. Very few intrenching tools were disembarked; merely sufficient to fill a small cart, that was drawn by men.

Q. Was that number the whole that the troops had with them, previous to the close of the 4th of July?

A. At the Corralis de Miserere, after the action of the 2d of July, we found an intrenching tool cart, belonging to the enemy, in which there were a few.

Q. Was any account taken of the number of intrenching tools in the cart you have spoken of, on the 2d of July?

A. I took an account of them myself; but the number was very inconsiderable; I do not recollect the number exactly, but a very small number indeed.

Q. Have you that account?

A. No, I have not.

Q. Is it destroyed?

A. It was lost: I lost several things.

Q. Was the number of intrenching tools, in the hand-cart landed at Ensanada, added to that inconsiderable number taken from the enemy on the 2d, the whole which the troops had at the close of the 4th?

A. The whole of the intrenching tools.

Q. Were you possessed of any plan of Buenos Ayres, and its environs, previous to the army landing at Ensanada; and previous to the leaving Monte Video, did you ever, in communication with the Commander of the Forces, Lieutenant General Whitelocke, consider of the most eligible arrangements for establishing troops in the vicinity of Buenos Ayres, and the most advisable plan of attack upon the town.

A. I obtained a copy of the plan of the town of Buenos Ayres from Lieutenant Colonel Bourke, the Quarter Master General.

Q. At what time?

A. On my arrival at Monte Video, (I arrived with General Craufurd) the Commander in Chief never did me the honor to consult me upon the subject of the attack.

Judge Advocate.—I am not quite sure whether you have understood the precise object of the question; it is not merely whether you were con-

sulted with respect to the plan of attack actually put into execution, but whether, previous to leaving Monte Video, or at any other time, you had any communication with the Commander of the Forces, on the subject stated in the question.

The question and answer read over.

Judge Advocate.—If you mean to state that as a general answer, undoubtedly it is an answer to the question.

A. I never considered myself consulted previous to the attack.

Judge Advocate.—I perfectly understand the purport of your answer, which is, that you were not consulted at all; but, in the words in which the answer is given, it admits still of ambiguity: for you might have been consulted about a plan of attack, although you were not consulted about the plan of attack actually put into execution. If you were never consulted at all, which I understand you to state, perhaps, instead of saying he did not consult me upon the subject of any plan of attack, if you state that he did not consult me upon any plan of attack, that will be more explicit?

A. I would add, nor upon the subject of the operations.

Q. By the operations, do you mean as to any operations against the town?

A. Relative to any operations previous to the attack, I mean.

Q. From your local observations of the environs of Buenos Ayres, are you of opinion that the town was sufficiently commanded by any ground in its vicinity, to have allowed batteries to have been established with effect against the place?

A. My answer will relate now to the period subsequent to the attack.

Judge Advocate.—I do not mean you to apply the question to that period; I thought that it was probable you might have seen sufficient of the town, previous to the 5th, to answer that question; if that was not the case, if you will be good enough to say so, I will alter my question.

A. I do not imagine you could carry on your operations, with effect, from the Corral de Miserere; the town could not be said to be commanded by any ground near it.

Q. Was there any other ground which the army might have occupied, that would have had the effect stated in the last question, namely, that of affording the means of erecting batteries so as to command the town.

A. I think the ground to the northward of the city would have been extremely favourable.

Q. What relation had the Recolita to the town, and if that ground had been occupied, what effect would it have had upon the operations of the army, and the communication with the shipping?

A. The convent of Recolita was about one mile and a half, or two miles, from the suburbs of the town; and, to the best of my judgment, it would have been an advantageous position to have occupied, on account of the communication with the shipping.

Q. Did any thing ever pass between you and Lieutenant General Whitelocke, on the subject of your holding communication with Major General Gower, and if there did, state when, where, and what it was?

A. On the 1st of July, when General Gower's column separated from General Whitelocke's, with the consent of the Commander in Chief, I ac-

accompanied General Gower; I did not see General Whitelocke again till the 3d of July, and either on that day, or the following, I do not recollect which, he expressed himself dissatisfied with me and Captain Frazer, who commanded the artillery, because he said we attached ourselves to the Major General (General Gower); then Lieutenant General Whitelocke desired us to remain near his person, on the day of the attack, the 5th of July.

Q. Is that the whole of what passed upon that subject?

A. There was rather a long conversation upon the subject, and General Whitelocke expressed himself warmly upon the subject.

Q. Did you receive any directions or anything in the nature of directions, with respect to the holding communication with Major General Gower?

A. The Commander in Chief did direct me not to hold so much communication with General Gower in future.

Q. Would the Recolitas, if occupied, have been, in your judgment, a favourable point from whence to have carried on operations, and to have established batteries in advance against the town?

A. To the best of my judgment it would have been a favourable point.

General Whitelocke.—I have no question to trouble Captain Squire with at present.

Examined by the Court.

Lord Cathcart.—Can you state whether the conversation which you have stated to have passed between Lieutenant General Whitelocke and yourself, relative to your not holding so much com-

munication with Major General Gower, took place before 10 o'clock on the morning of the 4th?

A. A circumstance which I have noted brings to my recollection, that this conversation took place about 2 o'clock on the 4th.

Sir John Moore.—I think that Captain Squire has given an answer, which, as an engineer, he would not like to stand upon record. I conceive he was under some mistake; he has said that the Recolita was a favorable point to establish batteries against the town; surely he would not think that at 2 miles distance it was a proper place.

A. I said a proper place to occupy to advance from.

The question and answer read.

Sir John Moore.—You would not establish batteries against an open town two miles distant. It was a very good place to communicate with the sea, but not to erect batteries.

A. It was not my intention to state that they should erect their batteries at Recolita, but in advance towards the town to the best of my judgment it would have been a favourable point to have occupied.

Sir John Moore.—Certainly, for the army to have occupied to communicate with the sea, but it could not be of any service to erect batteries there. It was merely with a view to Captain Squire himself, that I wish the correction to be made. I thought it was put in a way which Captain Squire would not wish.

Judge Advocate.—You mean that it would have been a favorable point for the army to have occupied to communicate with the sea, so as to have commenced their further operations.

A. Just so; with a view to the further operations of the army.

A Member.—Did you never offer your opinion to the Commander of the Forces, on the best means of attacking the town, although he did not consult you upon that subject; and if you did not, what were your reasons for not doing so?

A. I never did offer my opinion. I should not have thought myself justified in obtruding it. I should not have presumed to have done so unless I was consulted.

The witness withdrew.

Captain ALEXANDER DICKSON called in and sworn.

Examined by the Judge Advocate

Q. I believe you were captain of the artillery, in the expedition against Buenos Ayres?

A. I was.

Q. What division of the army did you accompany in the march from the heights to the Miserere?

A. That under the command of Colonel Mahon.

Q. How many pieces of artillery were with that division of the army?

A. On the first movement from the heights only five. I joined Colonel Mahon on the heights.

Q. Were you joined by any other pieces of artillery, during the march from the heights to Reduction?

A. By none.

Q. Then was five the whole of the number of pieces of artillery with that division when it reached Reduction?

A. I moved from the Ensanada de Barragon

with a part of the artillery, but did not join the corps under Colonel Mahon till I gained the heights.

Judge Advocate.—My object is, that the Court should know what number of pieces of artillery Colonel Mahon's division had, when it reached Reduction.

A. Five.

Q. How many pieces of artillery were landed in all at Ensanada?

A. Sixteen.

Q. Does that number include the five Spanish guns spiked in the swamp, or not?

A. Those guns are included.

Q. Was part of the division of the army under Colonel Mahon delayed by the necessity of halting for the artillery to keep up?

A. Occasionally; in passing water courses, but no considerable delay.

General Whitelocke.—I have no question to trouble Captain Dixon with.

Examined by the Court.

Q. Was the artillery drawn solely by horses?

A. By horses, sailors, and with the assistance of the artillery men; and occasionally detachments from the infantry.

Q. Do you know what number of seamen were attached to that division of the army?

A. I never saw any return of the seamen, but I am nearly confident from 140 to 150.

Q. Was an additional number of horses embarked, for the purpose of expediting the movements of the artillery?

A. I do not perfectly comprehend the question; there were six horses embarked for each

gun and each ammunition car, which is two more than is used in England.

Q. What number had you attached to your division of the army, for the purpose of transporting the artillery?

A. I can give an explanation as far as the division I commanded; there were embarked at Monte Video, for the brigade of guns that were under my direction, of mules and horses, 64; that allowed six horses to each gun and each carriage attached to the field pieces. I mean the ammunition cars.

Q. Were all those horses you have spoken of disembarked at Ensanada?

A. The horses were all landed; but, from the awkwardness of the seamen and people employed in landing them, I think at least forty horses belonging to the whole department made their escape. On joining the park, the divisions were thrown together and any independent divided command ceased, so that I was not afterwards attached to any particular gun, but moved with the whole corps.

Q. How many horses had each of the five pieces under your command?

A. They diminished daily, from getting loose and escaping: to give any correct return of them now would be out of my power.

The witness withdrew.

Major PHILIP GIDEON ROCHE called in
and sworn.

*The abstract of the first and second
charges was read.*

Examined by the Judge Advocate.

Q. I believe you were on Brigadier General Lumley's Staff in the expedition against Buenos Ayres?

A. I was.

Q. Did you at any time, on the 3d of July, go into the town of Buenos Ayres with a flag of truce? if so, state to the Court on what occasion you went in, and what passed?

A. About midnight on the night of the second I received a message from General Gower, to come to his quarters. He told me that I was to go into Buenos Ayres at day-light, on the morning of the 3d, with a flag of truce, to summon the town to surrender to the British government: he gave me written directions, in order to take with me, which I have in my pocket.

Judge Advocate.—I do not know how those instructions can affect the charges against General Whitelocke. Did you receive from Major General Gower any letter to General Liniers?

A. Subsequent to those instructions I did.

Q. It was previous to the second time of your going?

A. Yes.

Q. In consequence of instructions you received from Major General Gower, did you proceed into the town?

A. I proceeded into the town according to the orders I received from Major General Gower, with those instructions.

Q. Will you state all that passed during your execution of this order?

A. In obedience to Major General Gower's orders, I was on horseback at day-light on the morning of the 3d, with a corporal of the 17th light dragoons, carrying a flag of truce, and a trumpeter. I asked General Gower's permission to allow me to take a Spanish officer in, in order that no time should be lost in finding the shortest way into the town; but, upon passing the British outposts, the field officer commanding recommended, that I should take a party of the rifle corps in with me, which I accordingly did, an officer and twelve privates. We proceeded, with some difficulty, until I penetrated a considerable way into the town before we stopped. After some considerable delay, the second Spanish officer in command came to me (General Ellio he is called); and, upon my making known to him the orders which I had the honour to convey, he said I could not see General Liniers upon any account; but that, if I had any communication to make from the English General, he would convey it to him. I told him I had the honour to carry proposals for the surrender of the town. He answered in Spanish, with a great deal of animation, that they (meaning the Spaniards) possessed sufficient strength and spirit to defend the town: but, as it appeared to me of great importance, if possible, to commence some negotiation, I endeavoured to draw him into it; and the only thing he would consent to was, that I should return to my General, in order that he should make such communication as he thought proper in writing; upon which I returned, and acquainted General Gower to that effect, who immediately went to his quarters, and wrote a letter, which I had the honour to take back into the town again. That is immediately what relates to the flag of truce. If you wish to have the original

instructions from Major General Gower, I have them in my pocket.

Q. Did you, in the conversation of which you have just been speaking, state any precise terms?

A. General Ellio would never allow me to enter into any precise terms of the instructions I had: I spoke, generally using all the persuasion I was master of, to influence him to capitulation, and represented our force. The instructions are signed by General Gower himself.

Q. Will you read them?

A. They are in these words :——“ Major Roche will proceed with a flag of truce, immediately after day-light, into Buenos Ayres: he will ask for the Military Commandant, and summon, to spare the further effusion of blood, that the town should surrender. If it is necessary to state, though I wish he should avoid a definitive declaration, if he can, the only terms that will be granted are, that all military and civil officers should be prisoners of war; that all the English, in possession of the Spaniards, should be given up, with sufficient hostages; that a free exercise of the Roman Catholic religion will be granted; that all private property on shore be respected, provided the owner take an oath of fidelity to the British government, and does not break through the ordinancy of it.—Signed J. Levison Gower, Major General.”

Q. State how far you advanced into the town when you returned with Major General Gower's letter to General Liniers, and all that passed on that second entrance into the town?

A. I returned to nearly the same spot. Nothing particular occurred between myself and the French Aid de Camp, to whom I delivered the letter: he was a Frenchman, in the Spanish service.

Q. Did you see either General Liniers or General Ellio the second time you went?

A. General Liniers was not in Buenos Ayres, as I understood.

Q. Did you see General Ellio the second time?

A. No; I did not.

Q. Did you deliver the letter that you received from Major General Gower to the Aid de Camp?

A. I did: the town appeared to me to be in a state of great confusion, an armed mob, and all rout.

Q. Did you carry back any answer to that letter?

A. Yes; I brought back an answer: I waited a considerable time for it.

Q. How long?

A. I waited nearly an hour and a half, in which time they paid very little respect to the flag of truce; and, but for the party of the rifle corps, I am sure I could not have got back. It is not necessary, I suppose, to state the conversation between the Aid de Camp and myself.

Q. Did you report that conversation to Major General Gower?

A. Yes; I did.

Q. About how long were you in the town the first time you went?

A. The first time, I should think, I was in the town about an hour before I saw General Ellio. I saw a considerable number of officers, to whom I communicated the errand I came upon, and it was a full hour before I saw General Ellio.

Q. How long were you with General Ellio?

A. I suppose the conversation I had with Ge-

neral Ellio, or Colonel Ellio, might have occupied about half an hour. The conversation I actually held with him——

Q. State, with as much particularity as you can, the conversation you held with General Ellio?

A. I stated to him the errand I came on, and endeavoured to impress upon his mind the necessity, to spare the effusion of blood, that the town should surrender.

Q. You have stated as particularly as you can the conversation you had with General Ellio,—will you now state, with the same particularity, the conversation you had with the Aid de Camp?

A. The Aid de Camp seemed particularly desirous to know what the Spanish loss was in the action of the night before, which I took care not to diminish. I told him the truth, that there were eleven guns taken, and that the Spaniards lost a considerable number of men killed and wounded. I do not recollect any thing very particular that is worth mentioning besides this.

Q. You have stated that you understood General Liniers was not in the town at that time?

A. Yes; so I understood.

Q. Do you know who wrote the answer to Major General Gower's letter?

A. I cannot take upon me to say who wrote the answer.

Q. Can you state how far you did proceed into the town from the suburbs?

A. I suppose I got within less than a quarter of a mile of the fort.

Q. What was the nature of the difficulties with which your progress was attended?

A. Considerable firing; which never ceased.

I was aware that difficulty would exist, from having been sent into Monte Video in the same way.

Q. Did you observe any, and what preparations for the defence of the town?

A. I saw no guns; the houses were all barricaded, all shut up, and the whole population armed.

Q. Did you see any other preparations?

A. Nothing; but all descriptions of people, men and boys, armed.

Q. You, of course, delivered the answer to Major General Gower?

A. Certainly; and every observation I had made upon the town. They then were about to make an attack upon us as I came out.

Q. Do you recollect at what hour of the day you left the town, the last time you went into it?

A. I should think it must be between nine and ten o'clock when I got back to General Gower the last time. I cannot speak accurately, but I think it was about that time.

Cross examined by General Whitlocke.

Q. You have said, that General Ellio spoke with considerable animation. Can you recollect, and state, his particular expressions, and how they applied?

A. The literal translation of the words he used is, "We possess sufficient strength and courage to defend our town!" expressed with a great deal of animation and energy. The moment I told him the purport of my errand, he immediately put his hand to his breast, and said, with great energy, That they possessed sufficient strength and courage to defend the town.

Q. From your intercourse with the inhabitants, in consequence of your knowledge of the Spanish language, are you able to inform the Court, who were considered as the instigators, and the principal actors in the insurrection against, and breach of treaty, with General Berresford?

A. I heard many names mentioned, from the intercourse I had, being employed by Sir Samuel Achmuty among the Spaniards; but I cannot speak positively to any name. I know that those in power, at the time General Whitelocke arrived before Buenos Ayres, were many of them the people principally instigating the insurrection against General Berresford.

Examined by the Court.

Lord Cathcart.—Do you recollect, whether Lieutenant General Whitelocke ever examined you upon the subject of what you had seen when you went into Buenos Ayres on the 3d of July?

A. I understood, that every thing that I had communicated to Major General Gower was reported by him to General Whitelocke, who also, himself, in a day or two afterwards, asked me the particulars of what had occurred.

Q. Was that previous to the 5th, that you communicated to Lieutenant General Whitelocke?

A. Yes; to the best of my recollection, it was the evening on which General Whitelocke came up. He did not send for me, particularly, to ask me; but, he said to me, Roche, did not you go in with a flag of truce? I said, yes; and he asked me what occurred.

Judge Advocate.—There is an apparent incorrectness in your evidence. You state, that this was on the third, and that you communicated it to Lieutenant General Whitelocke a day or two afterwards; but yet, that you think it was the evening that he came up, which was on the 3d?

A. To the best of my recollection, it was not on the 3d. I think it was on the 4th. It made no particular impression on my recollection, as I was not sent for immediately.

A Member.—Had you stated the whole of your instructions to the Spanish General at the time he so warmly protested against the surrender of the town?

A. No. I stated, generally, our great force; the disposition of the Commanding General, to do every thing which humanity could suggest; and, that all private property should be respected. I did not touch upon the point of the Spanish prisoners of war.

Q. Did you learn from General Ellio, or the Aid de Camp, whether the bridge was evacuated; and, whether the whole armed force of the Spaniards was in the town?

A. Nothing relative to the evacuation of the bridge took place. I endeavoured to impress upon them, that we had defeated the whole Spanish army the night before.

Q. Was that article, respecting the civil officers being included as prisoners of war, mentioned to General Ellio; and did he particularly object to it?

A. Certainly not. I thought it best, in the disposition I found him, not to mention that subject.

The witness withdrew.

JOSEPH BULLOCK, Esq. called in and sworn.

The abstract of the first and second charges was read.

Examined by the Judge Advocate.

Q. Were you at the head of the Commissariate employed in the expedition against Buenos Ayres?

A. I was.

Q. Have you any return of the whole account of the provisions embarked for that expedition?

A. I have.

It was delivered in and read.

Q. Have you not a return of the quantity of provisions landed for the troops at Ensanada?

A. I have.

It was delivered in and read.

Q. What number of horses were embarked at Monte Video, for the transport of the provisions, before you left Monte Video.

A. None; there were no horses specifically provided by me, or by the department, for the purpose of transporting provisions on the other side of the river.

Q. What number of horses were provided, for that purpose, upon the landing at Ensanada?

A. There were about sixty dragoon horses.

Q. Was that the whole number.

A. I cannot positively speak to the precise number; it was about that.

Q. At the landing?

A. Yes.

Q. How long were these horses employed in the service of the Commissariate?

A. They were only attached to the Commissariate.

Q. How long were these horses attached to the Commissariate?

A. During the whole course of the march to Buenos Ayres?

Q. Was there any greater number than the sixty horses, you speak of, employed in the transport of provisions across the marsh?

A. No. There were only about twenty-five that actually took provisions from Ensanada.

Q. What became of the other thirty-five?

A. Many of the others broke loose, and lost the supplies that were at first put on them; and the rest would not bear any on their backs.

Q. Do you mean to state, that the twenty-five horses you have mentioned, were employed in carrying the provisions from the heights to Buenos Ayres?

A. No; from Ensanada on the march.

Q. On the march from Ensanada to Buenos Ayres, the twenty-five horses were employed for that purpose?

A. Yes; but they delivered the provisions on the way, and did not carry the provisions the whole of the way to Buenos Ayres.

Q. Had you any communication, and of what nature, with Lieutenant General Whitelocke, previous to the army leaving Monte Video, with respect to the mode by which the necessary supplies of provisions and forage would be assured to the army on its march to Buenos Ayres; and, what arrangements were made on that head?

A. On my arrival at Monte Video, on the 15th

of June, I waited upon the Commander of the Forces, when he introduced me to Lieutenant Colonel Bradford, the Duputy Adjutant General, Lieutenant Colonel Bourke, the Deputy Quarter Master General, and Lieutenant Colonel Torrens, the Military Secretary; observing, that as I should have much communication to have with those officers, they were at liberty to make me acquainted with all the particulars; supposing it to allude to the service in general. The next day, or the day following, I am not positive as to the day, I called upon the Deputy Quarter Master General, requesting all necessary information, as far as might concern my department, relative to the expedition up the river Plata; and, especially wished to know, how far from the town of Buenos Ayres the debarkation was likely to take place. Upon which he intimated to me, that, as the landing would not be more than five or six miles from the town, it would be only necessary for me to send one of the officers of my department on shore, as soon as possible, with the Lasso men, in order to seize upon all cattle, or any thing else, in the way of supplies, that might be found on the spot. Conceiving, therefore, that nothing more was required of me, I did not trouble the Commander of the Forces with any direct application relative to what might be required of me; I thought it only further necessary to suggest the expediency of landing seven days supplies of provisions, immediately after the troops had landed, in order to guard against want; although Colonel Bourke gave reason to hope, that the British forces would be in possession of the town of Buenos Ayres in the course of the second, or at furthest the third, day after landing; therefore, I had no reason to expect the army would have had so long a march to make, and consequently did not think of making any provision for the transporting of sup-

plies ; but, in order to convey seven days supplies, which I recommended to be landed from the water's edge, to a secure and dry place of deposit, I further suggested the expediency of taking six small carts, with mules, for that purpose ; and, upon that being approved, the carts and mules were procured, by requisition on the town of Monte Video, and were embarked accordingly.

Q. When was the alteration in the place of landing intimated to you ?

A. The alteration was not intimated to me at all, before leaving Monte Video ; I only knew it from the circumstance of the fleet's arrival off Ensanada, and the troops going on shore. I beg leave to correct that last part ; it was made known to me by the General, on my waiting upon him on board ship off the Ensanada ; he then informed me the troops were going to land there.

Q. Had you no direct communication, personally, with the Commander in Chief himself, respecting the supplies for the army, previous to leaving Monte Video ?

A. In a general way, I had. On the 19th of June, I gave the Commander of the Forces a general statement of all the supplies that were in magazines in Monte Video, and on board ships ; distinguishing the quantity which were to go up the river for the service on the other side : and I also requested to know his pleasure respecting the supplies he would have otherwise provided for the service ; upon which I received his instructions, to collect provisions at that town (Monte Video) for a given number of men, for a certain time. I cannot say the time, because I have not that paper with me ; but I could not have acted upon that order, which went to provide other-

wise for the service, until we got possession of the town of Buenos Ayres.

Q. Will you explain what you mean by providing otherwise for the service?

A. Establishing magazines. I requested to know what magazine he wished to have established?

Sir John Moore.—We understand that the Commissary General is stating the directions which were given to provide magazines for the garrison left in Monte Video: that is not the intention of the question.

Judge Advocate.—The question applies to, whether you had any communication with Lieutenant General Whitelocke, before you left Monte Video, relative to the supply of provisions for the army, employed in the expedition to Buenos Ayres?

A. I understood it applied in a general way, whether I had any communication with Lieutenant General Whitelocke, relative to supplies for the army.

Judge Advocate.—Then I will put the question with this addition: what direct communication had you with the Commander of the Forces himself, with respect to the supply of provisions for the army employed in the expedition against Buenos Ayres?

A. I had no other communication with the Commander of the Forces, when at Monte Video, relative to the supplies for the army on the expedition, beyond the returns which I gave him of the supplies that were going up with the troops.

Q. Had you any direct and personal communication with Lieutenant General Whitelocke, as to the place of landing the troops, and the means of provisioning the army during its march to Buenos Ayres?

A. No, I had not, until I had landed at Ensanada, when I was ordered to land three days supplies of biscuits and spirits, which was effected on the 29th of June; and, upon my wishing to know, from the General himself, how those supplies, which were landed, were to be disposed of; but, conceiving, at the same time, that they were intended for immediate issue, the General expressed surprize at my not knowing that the cavalry horses were, with pack-saddles, to be appropriated for the transport of the provisions with the army; upon which I addressed myself to the Quarter Master General, relative to those horses and pack-saddles which were at the time landing. The next morning, on the 30th, the greatest difficulty was experienced in getting any of the horses to bear the saddles, much less any additional burden of supplies; therefore, only a small quantity of biscuit, about two thousand five hundred pounds, could be carried on to the army: the spirits were attempted to be taken on in two of the carts, which I had originally suggested to be brought over, merely for the transporting the supplies for a short distance; but the spirits were obliged to be left on the ground, owing to the rottenness of the soil, the mules not being able to draw the carts; and, finding all attempts to carry on supplies, to any amount, were ineffectual, I set out with Colonel Bourke to join the Commander of the Forces, who had previously marched from Ensanada; Colonel Bourke having expressed an opinion, that the army would be obliged to return and re-embark; insomuch, that, upon my wishing to destroy the only cask of spirits that was left on the ground, the others having been previously staved, he recommended my leaving it in its then present state, under the idea that the army would so return.

Q. What became of the horses which you state would not bear the pack-saddles?

A. Some ran away from the men who held them, others came on with the pack-saddles only, but without any supplies ; there were several that came on with pack-saddles, but without bearing any other weight.

Q. What became of the provisions those horses were to have conveyed ?

A. Part of them were re-embarked after the army had marched.

Q. Upon what ground did it appear to you to be probable that the army would return to the landing place from the heights.

A. In consequence of not being able to take on provisions for their support, a great part of the supplies which were attempted to be carried on from Ensanada, on the pack-saddles, were destroyed by the horses kicking, plunging, and throwing the biscuit into the dirt.

Q. In any of the returns you have delivered in, is the quantity, and the kind of provisions, with which the army left the heights of Barragon, included ?

A. Yes, it is.

Q. And the different issues made to the different divisions of the army during the march ?

A. Yes ; that is stated in the returns I have delivered in this morning ; there were also some supplies landed at Quilmes.

Adjourned to to-morrow morning, 10 o'clock.

SIXTEENTH DAY.

TUESDAY, FEBRUARY 16th, 1808.

JOSEPH BULLOCK, Esq. called in again.

Judge Advocate.—Perhaps it will be desirable that the evidence the Commissary General has given should be read over to him, before any other questions are asked.

The evidence of Mr. Bullock was read over, and the following correction made, after the words “by the horses kicking, plunging, and throwing the biscuit into the dirt.”

Mr. Bullock.—I wish to add this opinion was founded upon the opinion, before expressed by Colonel Bourke, that the army would be obliged to return to Ensanada.

Examined by the Judge Advocate.

Q. Were three days provisions the whole amount of the provisions you were directed to land at Ensanada?

A. Yes.

Q. You have stated that, by a requisition upon the town of Monte Video, some carts were obtained for the conveyance of provisions, could no means of the same kind have been procured to a much greater extent, if it had been thought advisable?

A. I do not think they could.

Q. Had you any directions as to procuring Lasso men to accompany the army?

A. The Deputy Commissary General, who had charge of the department at Monte Video, previous to my arrival, had the arrangements to make for the service of the department going on the expedition, and he had directions to get a number of those Lasso men, but was unable to procure or to induce more than four or five of that description to proceed with the army.

Q. Had you no men to take charge of the horses which were allotted to your department on the landing at Ensanada?

A. They being dragoon horses, the dragoons were attached to my department, to assist in bringing on the horses with the supplies.

Q. Had you any communication or orders from Lieutenant General Whitelocke after your arrival at the heights, and during the march from thence to Buenos Ayres, upon the subject of provisions and forage for the army up to the night of the 4th of July; if you had, state what they were?

A. I did not join Lieutenant General Whitelocke on the heights until the 30th of June, when the army was preparing to march forward, and I did not receive any orders from him relative to the supplies on the march, excepting the delivery immediately of the small quantity of biscuit that was carried across the swamp; but there not being time for its being delivered out, in consequence of the sudden movement of the troops, the greater part of that biscuit was ordered to be carried on. The troops received meat sufficient for two days consumption, previous to marching.

Judge Advocate.—I am asking as to any orders you received during the whole of the march to Buenos Ayres.

A. At Quilmes, or Reduction, General White-

locke gave me reason to hope that the army would receive supplies from the shipping, but I received no orders particularly upon the subject. When the army arrived near Buenos Ayres, on the 3d of July, they received regular supplies of biscuit, as far as the regiments chose to send for that article to head quarters, where the biscuit was found or made. This goes only to the main body of the army, the column under Major General Gower having proceeded throughout the march forward, without any communication being made to me that it was so to go forward. The column under the command of Colonel Mahon received 4 or 5 days supply of bread and spirits at Reduction, and the troops in general received fresh meat at different places, but not always to the full extent of what they ought to have had, had there been a sufficiency of cattle procured. The column under General Gower commenced, also, receiving bread near Buenos Ayres on the 2d of July.

Judge Advocate.—The question I have put is, what orders or communication you had from Lieutenant General Whitelocke up to the close of the 4th of July?

A. I have said I had no special orders given to me with respect to the supplies.

Q. State what supplies the troops actually received from the period you have last stated, when the army arrived, on the 3d, at Buenos Ayres?

A. That is included in the return I have given in.

Judge Advocate.—Perhaps it may be as well now to read to the Court an order, which has just been put into my hand by General Whitelocke, wishing of course, as the Court must do, that the whole of the case should be examined, I suppose they will feel no objection to its being

read; it is a general order given out at head quarters, heights above Ensanada de Barragon, the 30th of June: "The Commissary General will take care that one of his department is sent forward with each body of the army; he will fix his quarters as near as possible to the officers commanding, and consider responsible for every possible exertion being used to obtain, without delay, the necessary supplies for the troops." It is not for me to judge what weight the order ought to have, but, being put into my hands by Lieutenant General Whitelocke, I have thought it proper to read it.

General Harris.—The only point is, whether this is the proper time to put it in, or whether General Whitelocke should not reserve it for his defence.

General Whitelocke.—I produce the order now for Mr. Bullock's information, in case it should have slipped his memory.

Mr. Bullock.—I may observe upon that order I suppose.

Sir John Moore.—I suppose, what was wished by the last question was to know whether, after the communication was opened, the army received regular supplies; not what quantity of beef and pork, and so on, were supplied; but the thing which is important for the Court to know is, whether, after the communication was opened, the army received regular supplies. It will not appear to the Court from the returns without giving themselves a great deal of trouble, whether they were regular supplies or not.

Judge Advocate.—You have stated, that, after the 3d, they got as much biscuit as they would send for; where was that procured?

A. A considerable part of it was found on the spot where the head quarters were, and the house adjoining; and then there being bakehouses, persons were employed in baking as much as they could daily, for the use of the army. As far as they chose to send for it, they had their regular supplies of bread after the 3d.

Q. From whence was the wheat, or flour, from whence that bread and biscuit was made, found?

A. That also was found upon the spot.

Q. That was after the army arrived at the Miserere?

A. Yes.

Q. Among the returns you have delivered in, is there a return of the provisions in the possession of the Commissariate at the close of the 4th of July?

A. No; there is not, specifically.

Q. Then state to the Court what provisions were in your possession, as Commissary General, at the close of the 4th of July?

A. The troops having, in great part, received their supplies daily, after the 4th, for several days from the same place, I should apprehend the quantity of biscuit remaining, on the night of the 4th, might have been adequate for the supply of the whole army for four or five days: they also received their supplies of meat, and there was cattle remaining, much in the same proportion, for the future supplies after the 4th.

Q. Do you mean then to state, that there were supplies of provisions for the army on the night of the 4th, both bread and cattle, for four or five days?

A. Yes, I do; but I cannot speak positively.

Q. You have stated, that, after the arrival of the troops at the Miserere, there was a regular

supply of provisions, both bread and cattle,—was that regular supply the consequence of any previous arrangements, or solely from captures?

A. Solely from captures.

Q. Had you any means of supplying the army with provisions subsequent to their arrival at the Miserere, if no provisions had been found there?

A. I had none.

Cross-examined by General Whitelocke.

Q. Was not the quantity you have stated to be landed at Ensanada, and of which you have delivered in a return, exclusive of three days provisions received by the men from the transports?

A. I understood it to be exclusive of them.

Q. Your return states, 17,000 pounds of biscuit left on the ground at Ensanada,—was not that the biscuit destroyed by the kicking of the horses; and was not part of it lost in the swamp?

A. A small quantity of it was re-embarked, the remainder was lost in the way pointed out, in the swamp, and by the kicking of the horses.

Q. Was every exertion made by yourself, and Lieutenant Colonel Bourke, to carry the provisions and spirits on from Ensanada with the troops?

A. Undoubtedly; every possible exertion was made.

Q. Were not a sufficient number of sheep procured, before day-light on the morning of the 30th, to supply the whole army with two days meat?

A. I have my doubts whether the quantity of sheep would have supplied the whole army to that extent; General Lumley's brigade, and General Craufurd's brigade, having marched from the ground previous to my arrival.

General Whitelocke.—I have other questions as to the quantity of provisions issued to the army during the march, but I should tire the Court by putting them now; I will therefore reserve them for my defence; and I shall prove, that there never was any want of provisions.

Examined by the Court.

Q. Might not a number of seamen have assisted you in transporting the provisions across the swamp?

A. They would have been of no use in the undertaking.

Q. At what time of the day, on the 2d of July, was the delivery of biscuit made to Major General Gower's advanced corps?

A. I cannot tell, not having been present myself.

Q. What means had you then of knowing that a delivery of provisions was made to them?

A. By the person who issued the supplies having given me different memorandums and acknowledgments of its delivery.

Q. Was that issue made from your stores?

A. They were part of the stores which were found on the spot: there were no other stores than those I have described, as being found at those two houses, that I know of.

Q. Did any person of the Commissary General's department attend at head quarters to receive orders; or how were the General's orders conveyed to you?

A. I invariably waited upon the General in person for such orders as he might have to give, relative to the supplies.

The witness withdrew.

Lieutenant Colonel THOMAS BRADFORD
called in, and sworn.

The abstract of the two first charges was read.

Examined by the Judge Advocate.

Q. I believe you were the Deputy Adjutant General in the expedition against Buenos Ayres?

A. I was.

Q. Will you state the effective strength of the army upon its landing at Ensanada?

A. 7822 rank and file, exclusive of 200 sailors.

Q. Will you state the effective strength of the different corps into which the army was divided on the morning of the 2d of July?

A. The main body of the army, immediately under the command of General Whitelocke, which advanced from Reduction on the 2d of July, consisted of 3847 rank and file; the force which advanced under the command of Major General Gower, on the 2d of July, amounted to about 2150 rank and file: it was impossible to get any correct return at that moment. I received no return from Major General Gower, but I apprehended that was about the number that advanced. The force remaining at Reduction, under the command of Colonel Mahon, consisted of about 1844 rank and file, in which 200 seamen were included.

Q. Will you state the effective strength of the army before Buenos Ayres on the night of the 4th of July; the strength of the corps under Colonel Mahon, at the same period, of course remained the same?

A. The effective strength of the army before Buenos Ayres, on the night of the 4th, consisted of about 6128 rank and file.

Q. What was the force left at Monte Video on the embarkation of the army from thence, on the expedition to Buenos Ayres?

A. About 1353, rank and file.

Q. Does that include the marines?

A. Exclusive of the marines.

Q. Can you tell the number of the marines left in garrison?

A. I do not know; it is impossible to say; in short, some were landed after we quitted Monte Video.

Q. Were any orders issued, informing the general officers, and the officers commanding divisions, on the 5th of July, of the station of the Commander of the Forces, during the attack on that day?

A. Not that I know of.

Q. Were any orders issued, pointing out the places of retreat in the event of retreat becoming necessary, in the attack upon the town of Buenos Ayres, on the 5th of July.

A. There were no orders issued through me.

Q. What was the amount of the casualties which occurred from the landing of the army at Ensanada, to its arrival before Buenos Ayres, exclusive of those which occurred in the attack made by Major General Gower, on the 2d.

A. The returns which I received included those that were killed and wounded on that day, and the following days; the days on which the picquets were engaged, I have no distinct return of the casualties which happened; independent of those, I have a return of the casualties from the landing to the evening of the 4th, including the engagement with General Gower, and the engagement of the picquets, amounting to 50, rank and file, in the whole.

Q. Does that include sick ?

A. We had no sick, that I know of, at the time ; at least, none were reported.

Q. Does that include any missing ?

A. We had three missing, who are included ; there were, besides those, one captain, five sub-alterns, and five sergeants.

Q. Were you with the main body of the army during the march from Reduction to Buenos Ayres ?

A. I was.

Q. Do you know what reasons there were for the halt of the main body, under Lieutenant General Whitelocke's immediate command, at about two o'clock on the 2d of July ?

A. I do not.

Q. Did the troops appear to you so exhausted with fatigue, as to make the halt on that account unavoidable ?

A. No.

General Whitelocke.—I have no questions to trouble Colonel Bradford with at present.

The witness withdrew.

Lieutenant Colonel HUMPHREY DAVIE
called in, and sworn.

*The abstract of the first and second charges
was read.*

Examined by the Judge Advocate.

Q. Were you the commanding officer of the 5th regiment on the 2d of July ?

A. Yes.

Q. Did that regiment form a part of the main

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body, under Lieutenant General Whitelocke's command, in the march from Reduction to Buenos Ayres?

A. Yes.

Q. Was your regiment so exhausted by fatigue on the 2d of July, as to make the halt necessary at the time when the main body were ordered to halt on that day?

A. Yes; it was so late before we occupied the ground, that I do not think we could have proceeded; we left the village of Reduction very late that morning.

Q. Did not you halt about two, or between two and three o'clock on that day?

A. Yes, we did, at the pass of a river, some time.

Q. I speak of the halt, by the houses, where the army took up their position that night?

A. It might have been three or four in the afternoon that they halted.

President.—The question is, whether your regiment was so exhausted that they could not proceed further?

A. They might have proceeded further, certainly; I do not think it was so much from fatigue, as from the lateness of the day.

Judge Advocate.—Will Colonel Davie attend to the question; and if he wishes to amend his answer, he is at perfect liberty.

A. It was not so much in consequence of fatigue as the lateness of the day.

President.—The short question is this: whether Colonel Davie's regiment was so exhausted that they could not march further?

A. They were not exhausted, certainly.

Judge Advocate.—Then might they have marched further?

A. I think they might.

General Whitelocke.—I have no questions to trouble Colonel Davie with.

Examined by the Court.

General Dundas.—Was there any discontent amongst the regiment under your command that day?

A. Not any, whatever.

General Loftus.—What time did the main body march from Reduction that morning?

A. I should think about 11 o'clock; I do not wish to be quite positive to the time, but I think it was about that time.

Sir John Moore.—Had the regiment under your command had any food before they marched that morning?

A. I fancy they had; there were directions given that they should: I suppose they had; they were supplied with meat the evening before, after we reached Reduction.

Q. Had they both bread and meat?

A. Meat was served to them the evening before.

Q. Do you know whether your regiment cooked their meat on the morning of the 2d?

A. We had no means exactly of cooking regularly; there was time certainly; we did not march before 11.

The witness withdrew.

Lieutenant Colonel JOHN NUGENT called in,
and sworn.

*The abstract of the first and second charges
was read.*

Examined by the Judge Advocate.

Q. Did you command the 38th regiment on
the 2d of July last?

A. Yes.

Q. Did that regiment form a part of the main
body of the army under the immediate command
of Lieutenant General Whitelocke, on that day?

A. Yes.

Q. Was your regiment so exhausted with fa-
tigue as to make the halt necessary, when the di-
vision of the army, under General Whitelocke's
command, was ordered to halt on that day?

A. No ; certainly not.

Cross-examined by General Whitelocke.

Q. Did you, by my orders, send out, or go
with, a foraging party, before day-light, on the
morning of the 30th of June ; and how many
sheep did you bring in for the use of the army?

A. I did go out with a party ; and I brought
in a very large flock of sheep. I think more than
ever I saw together before.

Q. About how many ?

A. I do not know exactly how many. There
might be—I think there were, at least, 4,000.
It was a larger flock than ever I had seen before
together.

The witness withdrew.

Lieutenant Colonel JASPER NICHOLLS called in, and sworn.

The abstract of the first and second charges was read.

Examined by the Judge Advocate.

Q. Were you Major of the 45th regiment on the 2d of July last?

A. I was.

Q. Did that regiment form a part of the main body of the army, under the immediate command of Lieutenant General Whitelocke, on that day?

A. It did.

Q. Was that regiment so exhausted by fatigue as to make the halt necessary, at the time when that division of the army was ordered to halt, on that day?

A. Not by any means. One hundred men, of the 45th regiment, were left behind, at Reduction, that morning; and, amongst these, the weakest men were left; we were, therefore, in a situation to have made a very long march, if it had been necessary.

Q. Can you speak with any accuracy, as to the hour when the halt took place; and, if you can, state it?

A. I think three, or half past three, when they halted for the night.

General Whitelocke.—I have no questions to put to Colonel Nicholls.

Examined by the Court.

Q. Were any signs of discontent shewn, by the 45th regiment, on that day?

A. No; nor upon any other occasion during the service.

The witness withdrew.

Judge Advocate.—I have to state to the Court, that the questions which I have put to the Commanding Officers of some of the regiments which composed the main body under Lieutenant General Whitelocke, I should likewise wish to have put to the officers of the 87th regiment, which formed a part of that body; but they are not in England; they are at the Cape of Good Hope, and therefore I am debarred from making the same inquiry of them.

Lieutenant Colonel NUGENT called in again.

Examined by the Court.

Q. Were any symptoms of discontent shewn by the regiment, under your command, on the 2d of July?

A. No. Much the reverse.

The witness withdrew.

Major General J. LEVISON GOWER called in again.

Judge Advocate.—Major General Gower having already heard the first and second charges read, you will now read the third and fourth.

They were read.

Examined by the Judge Advocate.

Q. I would beg the favor of Major General Gower to continue his narrative from the period

at which it was broken off; namely, the close of the 4th of July, to the signature of the treaty.

A. I met Lieutenant General Whitelocke, according to his order, soon after six o'clock, on the morning of the 5th, a little in front of the Corral de Miserere, at the time appointed. I heard him order Captain Frazer to open the cannonade. I remained there, without having had any particular order given me, till it was nearly dark. During that period, I heard Lieutenant General Whitelocke give orders, to his own Aid de Camps, relative to some of the divisions of troops. But those orders not having been particularly directed to me, I cannot certainly state what they were. About mid-day, I am not very correct as to time, but I believe it was thereabout, I heard him direct Captain Whittingham to go to the left, and communicate with some of the divisions there. After a lapse of some time, Captain Whittingham returned; and I heard him state, as part of the report, that Sir Samuel Achmuty wished a detachment of artillery-men to be sent to him. I received General Whitelocke's directions, to provide that party, when ready, with some of the firelocks which had been captured in the action of the 2d; the artillery-men having only their swords. They were then marched, under the command of a sergeant, Hamilton, of the 17th dragoons, who had accompanied Captain Whittingham to the Plaza del Tauros. That night Lieutenant General Whitelocke ordered, that all the Staff Officers, who were assembled at the place where I was, should go with him to his quarters: we did so, and remained there till day-light the succeeding morning. Some time afterwards I heard General Whitelocke order Captain Whittingham to proceed to the right, and try to open a communication, both with the right corps of the attack, and

those troops which had been left over the Chieulo. Lieutenant General Whitelocke, and the officers who were with him, soon afterwards went up to the Corral. At some period of the forenoon, Sergeant Hamilton, of the 17th regiment, arrived with a letter, which I saw him deliver to Lieutenant General Whitelocke: the General gave it to Capt. Squires, and ordered him to read it; and secondly to myself, with the same order. It was in Spanish; and, to the best of my recollection, sent by General Liniers. I am not perfectly master of the Spanish language, but I think I understand it sufficiently to be able to state, that it contained, generally, a description of the effect produced by the attack on the preceding day, and to it was added a proposal for the cessation of hostilities, and for the commencement of a treaty; in which he proposed to give up all the prisoners of war in his possession, if the British troops would evacuate the River Plate. I beg to state, that this is from recollection entirely, having seen it but once at that period, and not since; there may have been more in the letter, and I believe there was. Lieutenant General Whitelocke soon afterwards informed me, that he intended to answer that letter, by saying, that he would communicate with the Admiral on the subject: he was pleased to ask me, whether I thought that was a proper answer? I answered, that I did not, because it appeared to me that it was a tacit acknowledgment, that he himself was willing to enter into the treaty if the Admiral was; and I did not suppose that he would take such a measure till he had personally investigated the fact, and had, by his own observation, fully ascertained what further means of attack remained in his power. He then said, that it would, at least, be desirable to gain a little time. I answered, that that could be obtained by a proposal for the cessation of hostilities for an hour or two,

to collect the wounded, who were dispersed, or for any other cause of that description, which could not materially affect the general operations. He directed me to sketch a letter to that effect, which I did immediately, and delivered it to him. He said the statements were not founded in fact, when he read it, and rejected it totally. He then directed Lieutenant Colonel Bourke, the Quarter Master General, to write an answer: when that was done, he disapproved it equally with mine. He then again called for the original one; and ordering Lieutenant Colonel Torrens to make some alteration in it, it was copied by him, and, I believe, sent into the town by Captain Brown, General Whitelocke's Aid de Camp, with a flag of truce. Lieutenant General Whitelocke then ordered Lieutenant Colonel Bradford to remain in command of the troops that were in the vicinity of the Corral, with some orders also for those under Colonel Mahon, whenever they might arrive, and went immediately, with all the other staff officers, to the Plaza del Tauros. When arrived at La Plaza del Tauros, he ordered me to go and inspect the ordnance, generally, which had been captured, and to fix upon such spots as I thought most desirable for batteries, for his further consideration. I was some considerable time occupied on that duty, and returned to him, and stated, that I conceived the best place for a battery of cannon, if it did not exceed six pieces, was the round building that had been occupied for the bull-fights; that the mortar battery should be placed with its left angle covered by the same building. He asked me if I thought there was much probability of success in the re-attack? I stated that there were but two means, and that I did not think that either would succeed: the one, by assault, had been tried with only partial success; the second, by bombardment, even were

the means in our power, to the fullest extent, would, in my opinion, produce very little effect in a town of so immense a size as Buenos Ayres, the buildings of which were perfectly incombustible ;—that there was but one British twenty-four pounder landed ; that a large proportion of the captured guns were spiked, or unfit for service ; and that of the few that were fit, the number of those of any considerable calibre was very small ; that having seen the trifling effect produced by twenty-four pounders on the houses at Monte Video, I was convinced that guns of a lighter calibre would produce little or none against houses constructed of similar materials, and nearly in a similar manner, at Buenos Ayres : and I moreover stated it as my opinion, from the rough estimate which I had been able to form of the loss, that the number of troops remaining, even was the Spanish General disposed to give up Buenos Ayres without a further struggle, were by no means adequate, or nearly so, to controul such a mass of armed inhabitants, and to hold such points as must be absolutely necessary for the support of each other. Soon after this, Lieutenant General Whitelocke informed me, that he had sent in to General Liniers, to say, that he would order me into the town to communicate with him on the subject of his letter. I attended Lieutenant General Whitelocke, some time afterwards, to receive his orders ; and he gave me a variety of verbal ones, relative to the points which I was to discuss with General Liniers. I requested a detailed written order on the subject, but he would not give it me. I believe it was about three o'clock that I went with a flag of truce into the town.

Q. Will you state, as far as your recollection will serve you, the orders you received ?

A. I believe they will appear very distinctly

presently. I went with a flag of truce into the town, and there met General Liniers, and some of his principal officers. I asked Lieutenant General Whitelocke, when he delivered the orders to me, whether I was to abide absolutely by the points which he had pointed out; or whether, without losing sight of them, I might propose three or four other conditions, that if the enemy increased in their demand, I might, without receding from his original orders, have something to concede, in return for any concessions which they might make. The terms which he had proposed himself, and from which he said he should not recede, in any material degree, and to which I was to pay particular attention, were, the possession of the town of Monte Video, in sovereignty during a period of four months; and that a district, comprehended within a line drawn from Saint Carlos on the west, to Pando on the east, should be considered as a neutral country: that the Spaniards should deliver up all prisoners of war in their possession; that there should be no attempt to prevent the introduction of supplies into Monte Video during that period of four months; that the British troops should embark at whatever point they pleased to select within ten days, with all their cannon and stores, and any such as they had taken from the enemy, which they might choose to carry with them; that, during the abovementioned period of four months, the commerce of the British merchants in the River Plate was to be perfectly free and open in every part of the river. The additional proposition which I intended to make, and which I submitted to Lieut. General Whitelocke, and which he approved, was the cession, in sovereignty, of a considerable portion on the left bank of the Plata, and that that country and the River Plate should be considered as neutral, during the remainder of the

war. I did converse with General Liniers on each of these subjects separately, and on one or two more which he proposed, but from which he receded. Finding that there was no probability of his agreeing to the additional proposition, I receded, after some time, also, from it, and confined myself entirely to those points, relative to which I had received his special directions. Late in the evening, I returned to the Plaza de Tauros, having taken notes on each of the subjects under discussion, and on two additional subjects, which General Liniers had proposed, and which, as they did not tend to militate against anything that was in the former order, I was inclined to submit to Lieutenant General Whitelocke, that he might clearly understand the thing from the notes which I drew out, on paper, in the form of articles, which I delivered to Lieutenant General Whitelocke. On the subsequent day, between 11 and 12 o'clock, Admiral Murray having come on shore, Lieutenant General Whitelocke informed me that it was their intention to agree to a treaty founded on the preliminary propositions, which I had delivered to him the preceding night. On the succeeding day, Lieutenant General Whitelocke ordered me to compare the treaty which he had delivered to me, with those propositions that I had originally reported; I did so, and answered, that in substance it was the same. I believe on the subsequent morning, the 9th, I think General Liniers began to deliver up such a portion of the prisoners as could move, and as then were in Buenos Ayres; I, at the same time, received General Whitelocke's orders to communicate and co-operate with Captain Baynton, of the navy, in the re-embarkation of the troops and stores from the Plaza del Tauros; on that service I continued to be employed till the night of the 12th, when it was completed.

Judge Advocate.—Perhaps it might be as well, in point of appearance, if Major General Gower were to state what orders were given within his knowledge for the evacuation of Monte Video, if he knows of the order being given.

A. I can state, if you please, that I was with the last division of troops that embarked from Monte Video, under General Whitelocke's immediate orders.

Q. Were you with Lieutenant General Whitelocke during the whole of the 5th?

A. With the exception of a period of about half an hour, during which Lieutenant General Whitelocke was absent, he having ordered the staff officers who were present and myself to remain where we were.

Q. At what period of the day was that?

A. I have not a specific note on the subject; some time after mid-day I think; after one o'clock I think; I remember the fact without knowing the hour.

Q. Did you remain with Lieutenant General Whitelocke during the whole of that day, in consequence of any orders you received from him on that day, or in consequence of any previous orders?

A. In consequence of the order which I had received the preceding night, to meet him on that morning, and receive his orders; and, consequently, I remained where I was, till I had received such orders.

Q. Had you any communication with Lieutenant General Whitelocke, in the course of the 5th, upon the subject of his and your position?

A. I had.

Q. State to the Court what it was.

A. Soon after he came up, he said he thought

that was a good place to remain at till he collected his reports; and asked me, if I thought so. I said, from its central situation, it appeared to me, in the first instance, as good as any other.

Q. Had you any other conversation, in the course of that day, on the same subject?

A. None, that I recollect. I had very little communication with Lieutenant General Whitelocke on the 5th of July.

Q. Describe the place in which you remained from the break of day till dark; its distance from the entrance of the town; and its computed distance, from the several points of attack, of the different divisions?

A. It was nearly at the spot from whence the light brigade moved, and close to the entrance of the two principal streets of the town of Buenos Ayres. Its exact distance from the points of attack, a reference to the map only can shew. I have never measured it.

Q. State the names of the officers who remained with Lieutenant General Whitelocke during the 5th of July.

A. Captains Brown, Foster, Whittingham, and Douglas, Aid de Camps to General Whitelocke; Lieutenant Colonel Torrens, Military Secretary to General Whitelocke; Lieutenant Colonel Bourke, Deputy Quarter Master General; Lieutenant Colonel Bradford, Deputy Adjutant General; Captain Blake, an Assistant Adjutant General; Captain Frazer, commanding the artillery; Captain Squire, commanding the engineers; Lieutenant Cossley, attached to me as Brigade Major; and myself. I do not recollect any more.

Q. Will you state the number and description of the troops left, as a reserve, after the commencement of the attack?

A. I considered all the dismounted cavalry, present, and one company of the 88th regiment, as a reserve.

Q. Will you state the number?

A. I do not know. I have no return.

Q. Did the station in which you remained with Lieutenant General Whitelocke, and by his orders, afford a facility for communicating with the different divisions of the army engaged in the attack?

A. In point of distance, I should suppose, from its central situation, that it was best calculated for that purpose. As to facility, all places were equal, from the immense number of mounted and armed men that were close to the troops in every situation in that country.

To-morrow being the day appointed for a General Fast, the Court adjourned to Thursday morning, 10 o'clock.

SEVENTEENTH DAY,

THURSDAY, FEBRUARY 18th, 1803.

President.

IN consequence of the indisposition of that distinguished Member, Lord Lake, and in hopes of his recovery, the Court is adjourned till 10 o'clock on Monday.

EIGHTEENTH DAY.

MONDAY, FEBRUARY 22, 1808.

Mr. BULLOCK, Commissary General, called.

Judge Advocate.—The Commissary General has desired to explain a part of the evidence he gave the other day. It appears to me now expedient, that he should give that explanation before we proceed with the evidence.—State what part of the evidence it is you wish to correct.

Evidence read.

A. Having stated that it was only bread and meat, I ought to have explained to the Court, that there were flour and grain, besides a specific quantity of bread adequate to the supplying of bread to the whole army for four or five days, there being mills and ovens capable of grinding and baking for the daily issues. There is another point I wish to explain: there was a question put to me, what orders I received from the General on the march?—I meant to say, that I did not receive any orders relative to the supplies, previous to the army marching; but, on arriving at each halting place, the General directed that cattle might be drove in, and a quantity was invariably provided accordingly: this applies merely to the column under the command of the General.

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Major General GOWER called.

Examined by the Judge Advocate.

The former evidence of Major General Gower read.

Q. Was the spot on which Lieutenant General Whitelocke took his station on the 5th July, the ground occupied the preceding night by the light brigade; or was it in line with the out-posts where that brigade passed previous to commencing the attack?

A. I don't understand the question; because I am not aware that the light brigade did retire the preceding night: it was immediately in the rear of the houses in which the light brigade was cantoned the preceding night, and on the nearest open ground to those houses, which was a little elevated above them.

Q. Did you hear the whole of Captain Whittingham's report when he delivered Sir Samuel Achmuty's request for a reinforcement of artillery-men?

A. I am not sure whether I did or not, at this distance of period: having no note on the subject, I cannot state the whole of it.

Q. At what hour was that report received?

A. I believe about two o'clock.

Q. Did you hear enough of the report, to be able to state whether Sir Samuel Achmuty's request was confined to a reinforcement of artillery-men, or whether it extended to other points?

A. I cannot. I have stated all that I know positively upon that subject.

Q. Did the report detail the operations in which Sir Samuel Achmuty had been engaged, and did it state the situation in which his corps was at the time Captain Whittingham left it?

A. It did not give any detail, but that it described the existing state of that corps at the time.

Q. Is what you have stated all you can remember of Captain Whittingham's report upon this subject?

A. Yes it is.

Q. Did Captain Whittingham specify the purpose for which this reinforcement of artillery-men was wanted?

A. I do not know whether he did or not.

Q. With what escort did Captain Whittingham proceed to the Plaza, and what were the difficulties he experienced in going or returning from thence?

A. He had some dragoons, the number I do not know: not having been with him, I cannot state what occurred in the execution of the duty.

Q. Had Lieutenant General Whitelocke any, and what information of the different columns of his army, previous to his leaving Coral and repairing to his quarters on the night of the 5th?

A. I heard him give orders relative to the dismounted cavalry that were in his front, which were sent by his own aides-de-camp, consequently I suppose he had communication with them. Except that, and the one described by Captain Whittingham, I know of no other at that period.

Q. Explain what regiment you mean when you speak of the dismounted cavalry; were they a part of the reserve, or a part of the columns originally engaged in the attack?

A. The four troops of the carabiniers, dismounted, and part of the 9th regiment: they were part of

what I before stated, as considering them to be a part of the reserve.

Q. Is the Court to understand, that Lieutenant General Whitelocke had received no information respecting any of the columns of the army engaged in the attack previous to leaving Coral to his returning to his quarters on the night of the 5th, with the exception of Captain Whittingham's report to Sir Samuel Achmuty?

A. I know of no other than that which I have stated.

Q. Had the dismounted cavalry been engaged on the 5th?

A. The portion of them which occupied the ground on which they relieved the picquets of infantry, were more or less so during the whole day.

Q. Do you remember the name of the aide-de-camp who carried the order you have just mentioned?

A. Captain Forster.

Q. Were any, and what attempts made by Lieutenant General Whitelocke to obtain information of the different columns of the army engaged in the attack; and were any, and what attempts made to place himself in communication with any of those columns?

A. I do not know of any other than that which I have described. Lieutenant General Whitelocke remained nearly stationary during the whole day, except the interval of half an hour I before spoke of, and during which I do not know where he was.

Q. Were any, and what attempts made by Lieutenant General Whitelocke, personally or otherwise, to co-operate with and support the different

columns of the army engaged with the enemy on the 5th of July?

A. I have already stated every thing I know upon the subject.

Q. I am directed by the Court to inquire of Major General Gower to give a direct answer?

A. I have already stated every thing, before, that I saw; I can only detail what I have already said; I know of no other orders that were given on that subject.

A Member.—You must have observed what was passing, whether any corps were ordered to support those that were much pressed?

Judge Advocate.—In order that we may understand how the evidence rests at this time, I understand that the answers which Major General Gower has given amount to this, with regard to Lieutenant General Whitelocke's conduct in the course of this day; that about mid-day he directed one of his aides-de-camp, Captain Whittingham, with an escort, to proceed to Sir Samuel Achmuty's quarters at the Plaza; that he received a report from Captain Whittingham; that he gave an order, which you did not hear, to an aide-de-camp, respecting the 9th cavalry. Upon those answers, I put this question, whether any, and what attempts, were made by Lieutenant General Whitelocke, personally or otherwise, to co-operate with and support the different divisions of his army? I am not aware that any thing Major General Gower has yet said goes to show that any personal exertions of any kind were made; and it is with a view to obtain a direct answer to that question, in the affirmative or negative, that it is put: and I am bound to state, that the answer Major General Gower has first given, is no answer. At present, I am merely asking as

to what Major General Gower either saw or heard ; namely, to the fact.

The question and answer read.

Major General Gower.—If you will permit me, I will add to that last answer, none that I know of. I believe that there should be a question erased, that is a specific answer to the 2d answer before the last.

Judge Advocate.—I do not understand, now, what “none that I know of” applies to, coupled with the preceding paragraph in Major General Gower’s answer?

The question and answer read again.

A. There is the exception of the order given by Lieutenant General Whitelocke to Captain Whittingham, which I have already stated.

Q. At what hour did Lieutenant General Whitelocke leave the Coral for the purpose of repairing to his quarters on the night of the 5th?

A. I should think between five and six : it was dark almost immediately after.

Q. Did he, or did he not, do so in ignorance of what had occurred to the different divisions of the army which had been engaged with the enemy during the 5th, with the exception of that under Sir Samuel Achmuty’s command?

A. I believe he did not know the result of the attack of the right column, that that includes Brigadier General Craufurd’s brigade and the 45th regiment. Of all the rest, I have reason to think he received intelligence from Sir Samuel Achmuty.

Q. State your reason for thinking that he had

received any such intelligence from Sir Samuel Achmuty?

A. Because I had learnt the event of the columns from Captain Whittingham.

Q. State where the head-quarters were that night, and, as minutely as you can, the distance from the entrance of the town, and the computed distance from the points of attack?

A. At a house then called White's House; the exact distance from the first houses of the town I cannot correctly state: from the road close to it, on the 2d the light battalion charged the enemys guns, were very near the first houses of the town, and grape shot reached home to us down to the house, or very near to the house. The distance from the points of attack being the whole depth of the town, I cannot state.

Q. State whether the enemy made any attack, during the day or night of the 5th, on the troops stationed near the person of Lieutenant General Whitelocke, and the precautions taken for the security of the head-quarters during that night?

A. Small parties of the enemy were forcing themselves out of the town during the whole day of the 5th. The 6th dragoon guards, and the 9th light dragoons, were seriously engaged. During the latter part of the day the former corps lost their first and second senior officers. White's House was occupied as an hospital as well as head-quarters. A company of the 88th, to the best of my recollection, had been there the whole day, to secure the wounded. A subaltern's picquet of that regiment, which was left in charge of their packs, might have been moved down to join them; but I do not recollect whether it was so or not. I heard Lieutenant General Whitelocke order, that one of the junior staff-officers present should, during that night, be constantly walking on the flat roof of that house, to give him notice of any ex-

traordinary occurrence. I do not remember any other precaution. You said just now, that you considered all the reserve as under Lieutenant General Whitelocke's command; do you include all the dismounted dragoons in the question, whether attacks were made upon them?

Judge Advocate.—I certainly do. Whether this is not the force of which the reserve is composed? It is so stated to me. Was the reserve composed of the 6th dragoon guards, 272;—9th light dragoons, 482;—17th dragoons, mounted, 30;—17th dragoons, dismounted, attached to the Commissary General, 83;—88th regiment, one company, 60;—detachments left in charge of regimental knapsacks, 180:—total, 1107?

A. Those were the corps which I considered to belong to the reserve: of what their numbers consisted, I do not know.

Q. The former question was, whether you could state if any, and what attacks were made by the enemy upon the reserve? Your answer is, that small parties of the enemy were forcing their way out of the town. Upon that, I asked, whether the object of the small parties was to attack the reserve, or to make their escape? You say, to make an escape. I resort to the original question, whether any, and what attempts to attack, were made on the 5th upon the forces stationed near Lieutenant General Whitelocke?

A. If you will permit me to erase that answer altogether, the thing will be perfectly clear upon the question, whether that was the component force of the reserve? That one answer answers both.

Q. State whether the troops belonging to the reserve, which you state to have been engaged in the course of that day, were engaged in resisting any attack made by the enemy upon the troops

stationed near Lieutenant General Whitelocke, or in consequence of those troops attempting to force their way into the town?

A. In the first instance, certainly the enemy attacked those troops, then stationary: eventually I heard Lieutenant General Whitelocke had sent an order to the carabiniers to charge some guns. The cause of that order I believe to have been in consequence of a report made to him by Captain Forster, his own aide-de-camp, but I did not hear what that report was.

Q. By whom was that order sent?

A. By Captain Forster, to the best of my recollection: I am sure it was.

Q. State at what period that attack was made, with what force, and all the circumstances connected with it?

A. The time I do not remember; I was at some little distance from Lieutenant General Whitelocke, and I saw Captain Forster come from the place where the carabiniers were, and that he communicated something, which I did not hear, to Lieutenant General Whitelocke: immediately afterwards, Lieutenant General Whitelocke ordered him to go and direct the carabiniers to charge the guns. I do not know any other circumstance relating to it. The enemy's force was so concealed by the buildings and enclosures, I cannot give an opinion of their amount; it seemed to be every male inhabitant of that part of the town, including their slaves.

Q. Is the Court to understand, that all that came within your knowledge respecting this attack of the enemy, was the hearing Captain Forster communicate something to Lieutenant General Whitelocke, in consequence of which Lieutenant General Whitelocke gave an order to charge?

A. That is all I know relative to that part of it;

the enemy almost kept the reserve under fire; I know no more of it.

Q. Did you see or hear of any other attack made by the enemy, excepting that which you have just stated during the 5th?

A. There were small parties of the enemy constantly forcing their way out of the town, which kept the small detachments of corps almost constantly firing, more or less; I do not know any other.

Q. Did the object of those parties, which you state to be perpetually forcing their way out of the town, appear to be to attack the troops, or to make their escape?

A. To escape.

Q. How was the dismounted cavalry armed which composed part of the reserve?

A. The sixth dragoon guards, and ninth regiment of light dragoons, had carbines of the old pattern. The 17th light dragoons having theirs of the new pattern, they were, after they were embarked, exchanged for infantry firelocks, which were, I believe, wholly, or in part, captured Spanish arms.

Q. Will you state what passed in the course of the night of the 5th at head-quarters; what were the resolutions that were decided upon for the subsequent day, the 6th of July?

A. I heard Lieutenant General Whitelocke express himself particularly anxious to communicate with the right column of attack, and with the force under Colonel Mahon; and that he should, at as early a period in the morning as possible, employ Captain Whittingham in that service.

Q. It appears from Major General Gower's evidence, that, at the close of the 5th of July, Lieu-

tenant General Whitelocke retired from the Coral to head-quarters in total ignorance of what had befallen a considerable part of his army: I am anxious to know what passed at head-quarters under this situation you have described; and it is with that view I put that question. State what passed that night. I have no objection to add the words that are suggested by an honourable Member of the Court, how Lieutenant General Whitelocke was employed, whether he ate or drank, or went to bed?

A. I did not understand the question before.

The question read.

Judge Advocate.—I wish Major General Gower to understand, that I call upon him to state every thing that passed.

Major General Gower.—Soon after dark all the officers present had some dinner, at an early hour; I do not exactly remember what: the whole, I believe, except the officer who was placed upon the top of the house, laid themselves down on various parts of the floor of the rooms, to sleep; they got up at times during the night, to see if there was any movement on either side, or any firing; and, some time before day-light, I believe the whole were walking about, ready to receive Lieutenant General Whitelocke's orders.

Q. By the whole number of officers, do you include General Whitelocke himself?

A. I think I may; I believe he did get up once or twice in the night; but being a thing that passed in the night, it is not very easy for one to speak correctly.

Q. How were the troops of the reserve disposed of during the night?

A. To the best of my recollection, the whole, ex-

cept the carabiniers, remained in the same position which they had occupied during the day; the carabiniers were a little in advance of that which they had occupied in the morning.

Q. State the hour at which Lieutenant General Whitelocke left head-quarters on the morning of the 6th?

A. To the best of my recollection, immediately after day-light; almost immediately, for he was occupied some little time in giving orders to Captain Whittingham.

Q. At what hour did Lieutenant General Whitelocke direct Captain Whittingham to endeavour to lay open a communication with the right column, and with the troops left on the other side the Chieulo?

A. I believe immediately after day-break.

Q. With the exception of the artillery-men sent to Sir Samuel Achmuty, was this the first attempt made by Lieutenant General Whitelocke to communicate with the various other columns of his army, which, on the morning of the 5th, by his orders, had penetrated into the town to attack the enemy?

A. I beg to state, that Captain Whittingham had communicated in the evening of the 5th with Sir Samuel Achmuty. There is nothing stated there of Captain Whittingham's orders.

Q. I understand from your evidence, that the artillery-men were sent to Sir Samuel Achmuty; am I correct?

A. Correct.

Q. The question is, whether, with the exception of the artillery-men sent to Sir Samuel Achmuty, which we all know was in consequence of that report; this order, given to Captain Whittingham,

which you were speaking of in the preceding question, was the first attempt to make a communication with the various other columns?

A. It was. I perfectly understood it before; but I thought, when it was written down, it would not appear so clear.

Q. Was this first attempt made since day-break on the 5th to communicate with the corps under Colonel Mahon?

A. Certainly.

Q. With what force did Captain Whittingham proceed as an escort in the performance of this service?

A. Some mounted dragoons, and a small party of the 88th regiment.

Q. Can you tell their numbers?

A. I do not know.

Q. State the hour, as well as you can recollect it, at which Serjeant Hamilton, of the 17th light dragoons, brought a letter from the Spanish Commander to Lieutenant General Whitelocke, and by what means the Serjeant became possessed of that letter?

A. Between eleven and twelve I understood the letter had been sent out by a flag of truce, to the Plaza del Tauros, and that it was forwarded from thence by Sir Samuel Achmuty.

Lieutenant General Whitelocke admitted the letter, dated Buenos Ayres, 5th July, 1807, five in the evening, which was read.—See Appendix (R).

Q. Was this letter the first information that Lieutenant General Whitelocke and yourself received of the consequences attending the different attacks of the columns the preceding day?

A. I stated, that there was a report from Sir Samuel Achmuty on the preceding night, which, I believe, included all the columns of the left wing—I had no knowledge myself, till the arrival of that letter, of what happened to the right; nor do I know that Lieutenant General Whitelocke possessed any.

Q. At what hour was the letter sent from Lieutenant General Whitelocke, by his aide-de-camp, Captain Brown, proposing to the Spanish General a cessation of hostilities?

A. About twelve.

Lieutenant General Whitelocke admitted a copy of a letter addressed to General Liniers, dated Head-Quarters, Plaza del Tauros, 6th July, 1807, which was read.—See Appendix (S).

Q. You have stated, that, subsequent to the departure of Captain Brown, Lieutenant General Whitelocke leaving Lieutenant General Radford in command of the column, proceeded with yourself, and all the other staff-officers, to the Plaza del Tauros; was it, therefore, not until Lieutenant General Whitelocke had proposed a cessation of hostilities, that he sought personally to join any portion of the troops under his command, which had marched, at break of day the preceding morning, to the attack of the enemy in the town of Buenos Ayres?

A. He did not make any attempt personally till the period when the letter was sent; but hostilities did not at all cease for a considerable time afterwards.

Q. At what hour did Lieutenant General Whitelocke reach the Plaza, with what escort did he go, and did he meet with any, and what difficulties in his way thither?

A. About, or a little before one o'clock; there

were, I think, two six-pounders, with their artillery-men to cover them; a portion, I do not exactly recollect what number, of the 9th light dragoons, dismounted; there was no difficulty; there was a little firing from behind the houses during the march, but it was not of consequence.

Q. Having stated, as an argument against further hostilities, that, in the event of Buenos Ayres having surrendered on the 8th, the remaining troops were inadequate to controul such a mass of armed inhabitants, and to hold the other points necessary to occupy; whether, in your opinion, the natural and immediate consequence of surrender would not have been the disarming the inhabitants, and the establishing of a military police so efficient and vigorous, as to have prevented the insurrection of an unarmed populace until the liberal and kind treatment enjoined by his Majesty's instructions should have reconciled and attached all orders of men to the British Government?

A Member.—That is matter of opinion.

Judge Advocate.—Having stated, that communication was had with Lieutenant General White-locke upon the question, whether it was adviseable to pursue hostilities? and on that occasion he having stated his reasons for conceiving that further hostilities should not be pursued, I thought it would be right to give Major General Gower an opportunity of explaining that reason. If the Court are of that opinion, I have not any desire to press it, but will withdraw it certainly.

A Member.—Suppose he answers the question one way or the other, it can have no sort of influence on the decision of this Court Martial: it is not a fact, it is only an opinion.

Judge Advocate.—I may have occasion to make some remarks upon the evidence of all the witnesses;

I rather think it more fair to give the witnesses an opportunity of explaining their opinion; that is the only ground upon which I wish it to be put. If the only objection that the Court feels at present, is, that it cannot affect the question one way or the other; then I submit, taking that for granted, I think it better that the question should be put. It is impossible for me to say whether I may not be called upon to make observations upon the opinion delivered by Major General Gower: the question is with a view, that he may have an opportunity of explaining that opinion which he gave; and, in consequence of that explanation, I shall know better upon what grounds to rest my reply, and those observations which I shall have to make upon that opinion.

The question read.

A. From the immense extent of Buenos Ayres, I believe it would have been impossible to prevent the concealment of the greater proportion of those arms which were in the hands of the inhabitants. I believe the effect of a military police would have been trifling, as I am sure that no really good information could have been obtained, which could have given much effect to the measures of that police; that I am confident no conduct, however cautious, just, or humane, it might be, would have caused the inhabitants of that country to relinquish their power of attacking British soldiers, whenever they might be enabled to do so: and I am confirmed in that, from the unanimous opinion which all the Spaniards which I ever spoke to had given both of General Beresford and Sir Samuel Achmuty, in their respective commands: and it being an ascertained fact, that the people of Buenos Ayres had prepared mines under the barracks of the 71st regiment, to destroy them, and that no attachment or good will on the part of the

people on the other side of the river, had been shown to the government under Sir Samuel Achmuty, though the people in both situations expressed, in the strongest possible terms, how much they were indebted to Generals Beresford and Sir Samuel Achmuty for their moderation and justice in their respective commands.

Q. Having stated, that the station which Lieutenant General Whitelocke occupied in the morning of the 5th, was for the purpose of receiving reports, explain what reports you meant when you received that statement?

A. Those which I supposed would be sent by each of the officers in the command of the several columns,

Q. Do you mean in the command of columns engaged in the attack?

A. Yes I do.

Q. How could Lieutenant General Whitelocke receive those reports at the Miserere, or at that station, when no orders or notice had been given to the generals or officers commanding brigades, of the station where Lieutenant General Whitelocke was to be found during the 5th?

A. I conceive it to be the general custom for all officers entrusted with a particular branch of service, to report the result of it. I thought it possible that they would send to the position where the reserve was.

Q. Having stated, that in answer to Lieutenant General Whitelocke telling you that the spot he was on was a good place to remain at till he collected his reports, and asking you, whether you thought so? upon which you said, that, from its central situation, it appeared to you, in the first

instance, as good as any other, what did you mean by the expression, "in the first instance?"

A. That if those reports did not arrive in such an interval of time as I thought it necessary to elapse before the officers could have sent them, had I been in command, I should personally, or by means of staff-officers, have endeavoured to open a communication with the columns.

Q. From the situation in which Lieutenant General Whitelocke was, could he perceive how soon the different columns received fire?

A. Certainly not: the houses intervened, it was impossible.

Q. How soon did the fire of the enemy commence, after the troops marched to the attack?

A. Very soon.

Q. Can you state more distinctly?

A. I have not a note, and therefore I cannot;—almost immediately.

Q. Half an hour?

A. Less; almost immediately.

Q. Was it the fire of cannon, or musketry, or both?

A. Of both it appeared to me.

Q. Was it violent?

A. At times; at first not very; it became more so afterwards.

Q. How long did it continue?

A. At intervals till dark.

Q. How soon, and when did you perceive that all communication was cut off between the columns engaged in the attack and the reserve?

A. During the whole day, any small party would have been prevented from communicating with any of the points, from the number of people in arms in every direction; but I had no reason to suppose that a proper party would not have opened a communication whenever it was attempted.

Q. Did Lieutenant General Whitelocke make any such attempt, or consult you on the propriety of doing so, in the course of that day?

A. No other attempt than that which I have described, that I know of; I do not recollect that he spoke to me on the subject till a little before he sent Captain Whittingham, as well as I remember. Both at that period, and when the artillery-men went in the evening, I expressed my wish to be allowed to go; and I added, that even if there was a difficulty of communicating with the right columns, or with Colonel Mahon, by land, I thought I might possibly do so by getting on board a man of war's boat from the Plaza del Tauros, and attempting it by water.

Q. What answer did Lieutenant General Whitelocke make to that proposal of yours?

A. As well as I remember, that he should send Captain Whittingham, and then he would decide upon what was to be done.

Q. Had you any other communication with Lieutenant General Whitelocke in the course of that day, than that which you have stated?

A. He may have spoken to me casually, but on such unimportant subjects, that I really do not recollect, so as to be able to state any of them at this distance of time.

Q. Is the Court to understand, then, that Lieutenant General Whitelocke did not consult you,

his second in command, upon any occasion in the course of that day?

A. Certainly not beyond the points which I have stated.

Q. I am not quite aware of any points upon which you was consulted?

A. In the general acceptation of the term consult, certainly not. I have stated all that passed, which in my idea was at all material to the service: I am not aware of any thing else, but respecting the artillery-men, in the nature of consultation. That was not a consultation, that was an order, certainly not beyond the first opinion: he asked me as to the position, but in the way of consultation, nothing, in the common acceptation of the word. I must beg to state, that this is a period of seven months since, and I did not know it was to be investigated; I have no notes, and I cannot say positively what may, or may not, have passed, not having written any thing down beyond that which I recollect.

Q. Major General Gower having stated that the troops marched at day-break on the 5th, to attack the enemy in the town of Buenos Ayres; that the fire of the enemy commenced immediately afterwards; that it lasted for many hours; that all communication was cut off between Lieutenant General Whitelocke and the columns engaged in the attack; that no information was received, except in the report of Captain Whittingham, about two or three o'clock, whether the troops were defeated or victorious; did you, or did you not, during that day, hold any communication with Lieutenant General Whitelocke, or receive any orders from him, other than those which you have already stated, having been expressly directed by Lieutenant General Whitelocke the day before to await his orders?

A. None that I can recollect. I would request the indulgence of the Court, merely to state, that this appearing quite as much my trial as Lieutenant General Whitelocke's, whether I should state any circumstances that caused so little communication.

Judge Advocate.—I rather think that Major General Gower is under complete misapprehension, if he considers this, in any degree, his trial.

Major General Gower.—You stated, that an opinion might arise from my reasons: If you have formed an opinion at present, it must be a partial one.

Judge Advocate.—I am glad you have stated what you have, because it gives me an opportunity of stating the opinion I had formed. The opinion I had formed, as far as I had formed any, was with regard to the ground Major General Gower stated he had for thinking that no further hostility could, with any good effect, have been carried on; that was the only point to which I referred: and I must take this opportunity of stating distinctly to Major General Gower, that I am not aware of having asked a single question which I did not conceive myself bound in duty to ask; not as containing any reflection upon Major General Gower, but to give weight to the charges against Lieutenant General Whitelocke. If the Court think fit to receive any explanation of Major General Gower, I am not aware that his conduct is in any degree implicated in these charges; I wish you to understand the opinion I was alluding to, was the opinion Major General Gower had given; upon which I should, if I saw occasion, animadvert in the same manner as I might upon the opinion of any witness given in this cause, but in no other sense.

Q. Was you ever consulted by Lieutenant General Whitlocke in respect to the attempting to open any communication with the different divisions of the army engaged in the attack?

A. I was not.

Adjourned to to-morrow, ten o'clock.

